

TITLE 21 OF THE ANCHORAGE MUNICIPAL CODE

“LAND USE REGULATION”

(EFFECTIVE JULY 1, 1982)

Municipality of Anchorage

Tony Knowles, Mayor

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Chapter 21.05

COMPREHENSIVE PLAN

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- 21.05.105 Incorporation of Additional Elements as Part of Comprehensive Development Plan.
- 21.05.110 Definitions.

21.05.010 Comprehensive Plan Required.

The Assembly by Ordinance shall adopt and implement, and from time to time modify, a Comprehensive Plan setting forth goals, objectives, and policies governing the future development of the Municipality. (Charter, § 12.01).

21.05.015 Elements of Comprehensive Plan.

The Comprehensive Plan shall be a compilation of policy statements, goals, objectives, standards, social and economic development, both private and public, of the Municipality. It may include, but is not limited to, the following:

- A. Statements of policies, goals, objectives and standards;
- B. A land use plan;
- C. A community facilities plan;

D. A transportation plan;

E. Recommendation for plan implementation.

After initial adoption, the Assembly may amend the plan upon the review and recommendation of the Planning and Zoning Commission. (Adapted from GAAB 21.30.120A).

21.05.020 Comprehensive Development Plan—Preface.

This chapter is intended to serve as a practical guideline for community development. It is developed around the goals and objectives which were originally the work of a citizens' advisory committee. They have been subsequently refined by the Planning and Zoning Commission and then by the Assembly. It also includes implementation guidelines in conjunction with land use maps which allocate basic uses as appropriate to the needs of the

community. The plan is necessarily general, to be further defined by appropriately detailed plans, ordinances or other policy tools applied by the Assembly and the Planning and Zoning Commission.

The plan was prepared on the basis of historical data, public comment, professional analysis, and legislative intent. The sources of information are found in each section under the heading "Resource Documents." Legislative intent was incorporated into this document through extensive Assembly review. Because the community is dynamic and changing, all of the source material as well as the plan itself must be subjected to continued review and update if it is to be meaningfully applied. (AO 18-75).

21.05.025 Comprehensive Development Plan— Purpose and Use.

The adopted Comprehensive Plan is a public declaration of the policies which will guide the actions of the legislative body. This declaration of policy is a reflection of community goals as expressed by citizens and approved by their elected representatives.

The usefulness of this policy declaration is apparent during and after its formulation. Some of the benefits and purposes of the Comprehensive Plan and the planning process are outlined as follows:

- A. The Comprehensive Plan is designed to improve the physical, social and economic environment of the community.
- B. The Comprehensive Plan serves as a source of information to the public and to governmental agencies covering a variety of topics. Much of this information is formulated during the development process and published in separate reports which are merely summarized in the Comprehensive Plan itself.
- C. The Comprehensive Plan serves as a means of coordination between the public and private sectors, between different governmental agencies, and between the legislative body and its technical staff.
- D. The Comprehensive Plan serves as a method of identifying areas needing correction and improvement. Specific items needing correction or improvement are discovered during the development of the plan through technical research, inventory and the participation of citizens' groups.
- E. The Comprehensive Plan serves as the best estimate of the future, an estimate that is guided by specified community goals. In other words, the

plan reflects what is likely to happen if the policies and programs outlined in the plan are followed.

- F. The Comprehensive Plan serves as a device for stimulating public interest. Most of this interest is generated during the process which produces and updates the plan rather than the plan itself.
- G. The Comprehensive Plan serves as a method of educating the general public in matters pertaining to their community.

The benefits described above are benefits to the entire community. The plan, however, has particular value to the Assembly for the following reasons:

- A. It serves as a policy declaration. This is the essence of the plan. Such a declaration forces attention to major issues facing the community and clearly states the policies and actions that the community intends to pursue through its governmental body.
- B. It serves as a guideline for policy implementation. In this sense, it enables the legislative body to make decisions on the basis of clearly defined objectives that have been adopted. In addition, it provides continuity over time, even though there may be a change in the individual membership of a legislative body.
- C. It serves as a means of conveying advice. This advice is conveyed to the legislative body from its technical staff on problems which face the community and on proposals and programs for solving these problems.

The Comprehensive Plan and the planning process can play a vital role in a community. It is a method which helps ensure that community resources will be used in the most efficient manner in order to reach community goals. In addition, it can serve as a valuable tool for depicting, to the public and private sectors, the likely future of their community. (AO 18-75).

21.05.027 Comprehensive Development Plan — Review.

- A. The plan is intended to represent broad policies for land development and management. It was developed based on community attitudes, demographic data and land use trends as well as geographic and natural constraints. These attitudes and trends may change over time. For this reason, from time to time, it is necessary to comprehensively reevaluate and revise the plan.
- B. Turnagain Arm Land Use Plan. Reevaluation of the policies of the Turnagain Arm Plan shall

occur five years from the year of its adoption in light of trends at that time. Major discrepancies may justify a partial or complete revision of the plan at that time. (AO 79-208).

C. Anchorage Wetlands Management Plan.

In order to provide the flexibility necessary to respond to changing development conditions, in addition to the five year plan reevaluation and ten year plan revision required by section 8.5 of the Anchorage Wetlands Management Plan, the plan may be amended annually.

21.05.030 Goals and Objectives—General.

To create a living environment of the highest possible quality based upon planning for population growth potentials and consistent with the ecological, economic, social and physical goals and characteristics applicable to the Anchorage area.

This goal provides the focus of all of the goals and objectives. It speaks to the need to maintain a high quality community living environment. The goal also speaks to the necessity of all growth being consistent with those specific ecological, economic and physical goals and characteristics that are applicable to the Anchorage area.

Because of the unique position of Anchorage relative to the balance of the state, the impacts of major economic activities will primarily be felt in Anchorage. With much of the burden of meeting the needs of an expanding state economy resting on Anchorage, care must be exercised to ensure that the community is not overwhelmed. Major considerations which are critical to the community's well-being include the development of adequate water supplies, assured energy reserves, and maintenance of the Cook Inlet Air Shed. In view of the resource related growth requirements of the State of Alaska, both public and private decisions will require a constant balancing between local and state needs and concerns. (AO 18-75).

21.05.035 Goals and Objectives—Governmental Organization.

A. To employ government in a positive, creative, and responsive role by providing for citizen participation in the planning process at all levels.

This goal is directed to ensuring that public and governmental purposes are in balance by maintaining constant channels of communication. The intent is to direct governmental efforts in responding to and anticipating actual community needs. This requires a broad interrelationship of citizen groups, advisory committees and

citizens at large with governmental planning, program development and administration.

Obtaining citizen input is basic to the Assembly's ability to plan and respond to community needs and attitudes. Aside from going to the polls, a variety of methods is utilized. Attitude surveys have been applied, community councils endorsed, and both a community schools program and an Ombudsman's position have been established. All of these provide ways to maintain positive cooperation and understanding between government and the community at large. They represent an outgrowth of and a response to earlier criticisms of local government. With the dramatic growth that is taking place in the community, these and other forms of citizen communication are essential. Both the goal and the specific objectives speak to governmental efficiency and maintaining citizen communication.

B. Objectives.

1. to apply government solutions with restraint, recognizing that the least government is the best government;
2. to avoid duplicating services in government;
3. the Assembly shall hold at least one annual public hearing to review the Comprehensive Plan;
4. the Anchorage Municipality should be positive, innovative and responsive in providing service at the least cost;
5. to encourage citizen participation in formulating programs of the Municipality, both at the neighborhood level and areawide;
6. to incorporate public communication as a part of the function of government;
7. to provide an organizational structure that will assist in delivering governmental service in outlying areas.

C. Resource Documents.

1. Community Attitude Survey (GAAB, April 1972);
2. Comprehensive Plan Inventory & Analysis (GAAB, 1973);
3. Financial Management Study (Peat, Marwick, Mitchell & Co., 1975);
4. The Citizens Speak Out (GAAB, 1974).

D. Implementation Tools.

1. Existing.
 - a. Community Council Ordinance (GAAB OR 74-163);
 - b. Assembly Rules of Procedure (AO 13-75);
 - c. Areawide Planning Ordinance (GAAB OR 73-27);
 - d. Capital Improvements Program and Municipal budget;
 - e. Home Rule Charter for the Municipality of Anchorage;
 - f. Office of Citizen Information (GAAB ME 74-905);
2. Suggested.
 - a. expanded public information and education program.
 - b. expanded media utilization (e.g., public television). (AO 18-75).

21.05.040 Goals and Objectives—Social.

- A. To create and maintain conditions in which all residents have an equitable opportunity to share in employment, education, health, housing and recreation, as well as in the responsibilities of service to the community.

The social goal speaks to creating and maintaining a community environment which meets the basic needs of its citizens. The emphasis is placed on equitable opportunities for all residents to hold a job, to get an education, to obtain health services and live in a healthy environment, to obtain suitable housing and to accept the responsibilities of community service. Each of these opportunities is interrelated and basic to a positive community environment.

Anchorage residents have been fortunate to enjoy a broad mixture of ethnic groupings and economic opportunities. While rapid growth has provided improvements, care can be taken to ensure that community growth is productive for all community residents. Considerable economic differentiation has occurred in other major urban areas, creating gross inequalities. The area's economic vitality has provided an unparalleled opportunity for all community residents to enjoy these basic rights of citizenship. Dislocations have taken place, however, and concerted efforts must be made to ensure that these are of a temporary nature.

Anchorage has enjoyed a reputation of being a personable, hospitable community. It is a com-

munity that has been built by people known for their independence. Anchorage residents are also known for taking an active role in many types of community activities. With rapid growth, continued opportunities for community service must be maintained and encouraged.

B. Objectives.

1. to provide referral information relative to the basic human needs for food, clothing, housing and health care;
2. to encourage policies and programs to prevent crime;
3. to encourage community development that provides a mix of households of varied ages, incomes and backgrounds;
4. to provide residents with equal opportunities to achieve an adequate standard of living;
5. to expand and diversify opportunities for residents to develop a sense of community;
6. to examine and define the major social ills of the community and develop effective programs to deal with them, if such ills seem to be reasonably responsive to governmental intervention;
7. to coordinate human and social services provided by various agencies to achieve maximum effectiveness;
8. to encourage policies and programs to prevent and treat alcoholism and drug abuse.

C. Resource Documents.

1. Comprehensive Plan Inventory & Analysis (GAAB, 1972);
2. Interim Report, Anchorage Municipality, Housing Study (Anchorage Urban Observatory, November 1975);
3. People in Anchorage (GAAB, 1974);
4. Comprehensive Library Services & Facilities Plan (GAAB, 1975);
5. Parks, Recreation and Open Space Plan (GAAB, 1973);
6. Individual Park Plans (GAAB, City of Anchorage, Anchorage Municipality);
7. Housing Assistance Plan (1976)
8. Blue Book
9. Easter Seals Directory of Social Services.

D. Implementation Tools—Existing

1. Equal Rights Ordinance (AO 203-76);
2. Quasi-Institutional Housing Ordinance;
3. Child Care Ordinance;
4. Manpower Training Program;
5. Community Council Ordinance (GAAB OR 74-163);
6. Home Rule Charter for the Municipality of Anchorage.

E. Proposed Work Program.

1. review Municipal Zoning Ordinance;
2. develop social service inventory;
3. adopt health services plan;
4. develop planning guide for the creation of coordinated information and referral services. (AO 18-75).

**21.05.045 Goals and Objectives—
Transportation.**

A. To establish an efficient transportation system that:

1. accommodates public needs;
2. has a variety of transportation modes;
3. serves both external and internal purposes;
4. has a minimum negative impact on the community;
5. reduces dependency on the automobile.

The transportation goal provides for a fresh look at ways of moving people and goods in and through Anchorage. While traditional methods such as the private automobile and the public bus will continue to be principal elements of transportation, all aspects and methods of transportation are spoken to in relation to meeting this goal.

The Anchorage urban area, frequently referred to as the "Anchorage Bowl," is surrounded by the Chugach Mountains and the waters of Cook Inlet. Because it is a confined area, there is a limit to the amount of land which can be committed to transportation activities. Similarly, limitations apply from the standpoint of air pollution, particularly during the winter. The ability of the community to continue to absorb increases of this magnitude is limited. A transportation sys-

tem within the "Bowl" which uses a variety of modes will become a necessity.

From the standpoint of external transportation, Anchorage is unique in that it is the transportation hub of the state. The International Airport is a primary stopover point for international air traffic. In addition, the Alaska Railroad is headquartered in Anchorage, and approximately 70% of the cargo shipped into the state passes through the Port of Anchorage. As the state's primary distribution point, Anchorage also serves as a major warehousing center. The pace of economic activity throughout the state and the cost of goods are reflected in the amount of external traffic that can be accommodated in Anchorage.

Constant coordination should be maintained with the transportation industry to ensure that changes within the industry can be anticipated. Transportation technology should also be monitored to enable the community to take advantage of desired improvements.

B. Objectives.

1. to encourage policies and programs directed to the development of a Comprehensive Trails System integrated with parks, open space and other modes of transportation;
2. to avoid overburdening of existing and planned streets through inappropriate concentrations of commercial development;
3. to reduce dependency on the automobile by encouraging high density residential areas near commercial uses and major employment centers or by other means;
4. to attempt to locate future airport sites with minimum adverse impact on population centers;
5. to protect the integrity of existing primary transportation corridors such as the railroad rights-of-way;
6. to develop a multi-modal transportation system to link residential commercial, industrial and transportation centers while minimizing the impact of those systems on the residential neighborhoods;
7. to encourage the design of transportation systems compatible with the natural features of the land;
8. to improve the safety and capacity of the existing streets and highway system in

areas now developed, while minimizing the use of additional and;

9. to provide for the systematic extension of the present street and highway system to serve newly developing areas;
10. to encourage development of intrastate and marine transportation to serve the people of Anchorage;
11. to maximize community participation in state and federal transportation planning and design;
12. every attempt shall be made to reduce the impact of strip commercial by proper road design and control of access points;
13. streets and highways should be planned and designed to minimize the negative impact on adjacent land uses;
14. land use regulations and transportation activities shall be coordinated to minimize conflicts between primary transportation facilities and other land uses.
15. To provide and maintain landscaping of designated streets and highways in accordance with the Official Street and Highway Landscape Plan to enhance the beauty of Anchorage and improve the welfare of its citizens.

C. Resource Documents.

1. Long-Range Element of the Transportation Plan (1976);
2. Anchorage Metropolitan Transportation Study (State Department of Highways, 1972);
3. Public Transportation Feasibility Study (Blevins & Associates, Inc., 1972);
4. Financing Parking in Central Business District (L.F. Rothschild, 1975);
5. Central Business District Circulation Element & Parking Plan (GAAB, 1974);
6. Anchorage Trails Plan (Municipality of Anchorage, 1978);
7. Upper Cook Inlet Air Systems Study (State Division of Aviation, 1972);
8. North-South Runway Environmental Impact Study (State Division of Aviation, 1975);
9. Comprehensive Plan Inventory & Analysis (GAAB, 1973).

D. Implementation Tools.

1. Existing.

- a. Official Streets & Highways Plan (GAAB, 1973);
- b. Zoning Ordinance (GAAB OR 1-69);
- c. Capital Improvements Program (annual);
- d. Subdivision Regulations (GAAB 112-72A)

2. Proposed Work Program.

- a. update of Official Streets & Highways Plan;
- b. Port of Anchorage expansion;
- c. construct north-south runway at International Airport;
- d. annually update the Anchorage Metropolitan Transportation Study;
- e. analysis of "People Mover" bus system to include periodic routing studies;
- f. develop carpooling and staggered work hour program;
- g. upgrade the arterial system to conform to the standards in the Official Streets & Highways Plan;
- h. provide grade separation crossings where substantial conflicts exist between automobiles and pedestrians;
- i. continue to update the overall trails system. (AO 18-75).

21.05.050 Goals and Objectives—Land Use.

- A. To develop an enforceable land use plan for the community determined by economic and social requirements of the community and consistent with the natural characteristics of the area.

This goal establishes the basic foundation and directive for the development of the land use plan. It provides for land planning based on a total range of community needs which take into account economic, social and environmental considerations. This goal involves the major aspects of land use and speaks to the primary land use problems experienced by the community to date.

Specific objectives are defined for residential, industrial and commercial land use and for deal-

ing with natural and man-made hazards. These objectives provide direction for land development activities, for the protection of existing development and for the provision of utilities and facilities.

A serious problem in Anchorage today is that land has developed in a leapfrog pattern. In many instances this development has outstripped the extension of utilities and other community services. This indicates on the one hand that government and the community as a whole have been unable to keep pace with the demands generated by growth and prosperity. On the other hand, it suggests that a land use pattern has taken place which is uneconomic to service, making it all the more difficult and expensive to provide a complete range of urban services. The community cannot afford to bypass developable lands with utilities and other services. If Anchorage is to continue to prosper, these trends must be reversed by ensuring that development takes place in a pattern which can be serviced economically.

B. Objectives.

1. Residential.

- a. to adopt and implement policies and programs which aid in reducing land use conflicts and nonconformities within the community;
- b. to enhance the residential community by incorporating natural open space, vegetation and trail systems, interconnected throughout the residential neighborhood;
- c. future land development should incorporate and protect natural land forms, vegetation and scenic vistas;
- d. the Municipality should encourage a range in choices of housing within neighborhoods;
- e. where deficiencies exist in developed neighborhoods, the Municipality should ensure that public facilities and open space are provided to enhance the continued livability of the neighborhood;
- f. established residentially zoned neighborhoods should be protected from the intrusion of incompatible land uses and their effects (noise, glare, dust);
- g. residentially zoned land should be brought into balance with housing needs;

- h. higher residential development densities should be permitted and encouraged in those areas where amenities can be provided, where the land is suited to such development, where access may be provided without constituting a hazard or overloading of residential streets, and where the development can be designed to minimize conflicts with other uses.

2. Industrial.

- a. to concentrate industrial activity in areas especially suited for intensive development;
- b. industrial areas should have the following existing or planned characteristics:
 - (1) a range of utilities and business services appropriate for the industry;
 - (2) adequate and efficient access to major transportation systems without reliance on residential streets;
 - (3) the existence of major natural or man-made barriers or buffers that separate industrial areas and their effects from other existing or anticipated noncompatible land use;
 - (4) supporting business services which complement industrial use should be encouraged.
- c. resource extraction areas should not necessarily be classified industrial; this use should be treated as a temporary conditional use and confined to areas classified for special review, multiple or industrial use on the Comprehensive Plan, land use classification map.

3. Commercial.

- a. commercial development shall be concentrated at strategic locations, rather than allowed to expand along major arterials;
- b. in locating commercial uses, criteria shall be considered such as accessibility, existing or planned utilities and facilities, suitability of terrain and environment, and the location of existing or proposed compatible or complementary uses;
- c. major commercial developments shall be planned to encourage and permit the greatest level of accessibility for a vari-

ety of transportation modes, including pedestrian movement to and within such development;

- d. neighborhood centers shall be established with convenience shops trading in those goods and services required on a day-to-day basis by the population of the immediate area;
- e. commercial areas should have the following existing or planned characteristics:
 - (1) a range of utilities and business services appropriate for the category of development;
 - (2) adequate and efficient access to major transportation systems without reliance on residential streets;
 - (3) the existence of major natural or man-made barriers or buffers that separate commercial areas and their effects from other existing or anticipated noncompatible land use;
 - (4) supporting business services which complement commercial use should be encouraged.
- f. commercial Planned Unit Developments shall be encouraged in all categories which provide for a mixture of uses, and shall be required in the case of major developments.

4. Natural and Man-made Hazards.

- a. to protect the public from natural and man-made hazards and nuisances by:
 - (1) regulating development of those lands which, if improperly developed, would be hazardous to the health, safety or property of individuals of the community;
 - (2) minimizing potential hazards from development on unstable soils.
- b. to minimize the possibility of structural damage or failure and excessive public installation and maintenance costs resulting from building on unstable soils, the municipality shall ensure that development will avoid such areas unless adequately designed and engineered;
- c. developers shall be encouraged to utilize marginal lands by incorporating them in their development plans as open space and less intensively used areas.

5. Community Utilities.

- a. utility installation shall be coordinated to achieve savings and prevent conflicting utility placement;
- b. the priorities for the scheduling, design, and installation of public utilities shall be in accordance with the Comprehensive Development Plan and Capital Improvements Program;
- c. where development is proposed in areas beyond the planned extensions of public services, the Municipality shall carefully relate the uses and densities to site characteristics in order to preclude future water pollution, inaccessibility or emergency services problems;
- d. minimize extension of utilities through areas which are to be preserved for recreation or are defined as floodplains or hazardous lands;
- e. municipal utility systems shall be extended only to those areas where it is economical to provide both sewer and water and where residential densities including and greater than one to five units per acre can be reasonably anticipated and accommodated within an entire planned community;
- f. where the economic extension of both sewer and water utilities is unfeasible and where natural site limitations exist relating to soils, topography, and water, on-site systems and land development practices shall be related to the general capability of the area to accommodate such systems;
- g. where on-site utility systems are required and where natural site limitations exist, community utility systems and clustering of dwelling units may be required;
- h. new methods of treating and disposing of on-site sewage shall be actively sought. When perfected, these new systems shall be required by the Municipality where public sewers are not available;
- i. when utilities are installed, they shall be designed with capacity to meet planned land use intensity;
- j. conservation of energy should be encouraged by the municipal utilities

through a rate structure which rewards conservation.

6. Coastal Zone Management.

- a. to develop a plan for the orderly regulation and development of the coastal zone within the Municipality, while recognizing that all of Cook Inlet is an integrated unit and part of the entire coastal resources of the state;
- b. to adopt and implement policies and programs which will protect and enhance the unique natural features of the coastal zone;
- c. to cooperate with the state government in formulating policies for the entire coastal zone of the state.

C. Resources Documents.

1. Comprehensive Plan Inventory and Analysis (GAAB 1973);
2. Environmental Atlas of the GAAB (Arctic Environmental Information and Data Center, University of Alaska, 1972);
3. existing land use map;
4. property tax records;
5. U.S.G.S. soil map (1972);
6. U.S.G.S. slope map (1972);
7. Economic Base Study (Larry Smith & Co., 1972);
8. People in Anchorage (GAAB, 1974);
9. Ship Creek Industrial Land Use Plan (GAAB, 1971);
10. Upper Campbell Creek Land Use Plan (GAAB, 1972);
11. Parks, Recreation and Open Space Guidelines and Standards (GAAB, 1974);
12. neighborhood park plans (various);
13. Greater Anchorage Area Sewer Study (Tryck, Nyman & Hayes and Steven & Thompson Engineers, 1966);
14. Economic Impact Analysis — CBD Zoning Changes (GAAB, 1974);
15. Water Distribution System Analysis (City of Anchorage, Tryck, Nyman & Hayes, 1971);

16. Anchorage Water Sources (City of Anchorage — Central Alaska Utilities, December, 1973);

17. Floodplain Maps.

D. Implementation Tools.

1. Existing.

- a. Zoning Ordinance (GAAB OR 1-69);
- b. Subdivision Regulations (GAAB 112-72A);
- c. Planned Unit Development Ordinance (AO 44-75);
- d. Areawide Planning Ordinance (GAAB OR 72-27);
- e. Mobile Home Regulations (Chapter 18 — GAAB Code of Ordinances);
- f. Capital Improvements Program (annual);
- g. Official Streets & Highways Plan (GAAB, 1973);
- h. Floodplain Ordinance;
- i. PUD Ordinance.

2. Proposed Work Program.

- a. identification of high-density specific areas suited for high-density residential development;
- b. economic base information system;
- c. detailing of commercial district plans;
- d. preparation of industrial and classification study;
- e. develop land value model;
- f. conduct water resource studies (MAUS-208);
- g. development of specific community and neighborhood plans. (AO 18-75).

21.05.055 Goals and Objectives—Housing.

A. To encourage access to safe, decent, affordable housing, providing a socially and structurally sound housing resource.

This goal deals with one of the major problems facing Anchorage residents. Housing costs have historically been one of the primary increments of the high cost of living in Alaska. Although the oil boom period generated a sub-

stantial increase in the number of units being built, a variety of factors combined to push costs even higher. Inflation and recession in the "Lower 48" brought on higher interest rates for mortgage money. The same factors, when combined with the trans-Alaska pipeline activity, raised the cost of shipping and construction materials. With the rapid influx of new residents, a housing shortage added to the problem, increasing housing costs even more.

While wages soared in Anchorage due to the pipeline activity, many Anchorage residents have not shared in the increasing wage levels. At the same time, existing older housing units were dramatically increased in value. Instead of these units filtering down to the more modest income families, they have been coming on the market in the middle income price range. In the past, the modest income groups have been assisted to a degree in obtaining housing through federal loan guarantee programs. However, not only have federal subsidy programs been cut, but the support ceilings which were applied nationwide were far below the production/market cost of a housing unit in Anchorage. Similarly, the wage level guidelines for housing subsidy assistance fell below Anchorage income levels, effectively stranding a considerable group of wage earners.

There are, of course, other considerations that come into play relative to housing costs. If a stable and skilled labor force is to be maintained, if housing is to be made available to all citizens, and if progress is to be made in both the quantity and quality of housing units, a major cooperative effort will have to take place. That effort must involve all levels of government and all aspects of the private sector to include the housing consumer. It is this housing problem and this effort which the housing goal and the specific objectives address. It must become a major community priority.

B. Objective.

1. to meet the housing need on a community-wide basis, the Municipality should seek state and federal assistance, such as a low interest loan guarantee program. Municipal policies should support a housing program which complements state and federal programs;
2. the Municipality shall become involved in an educational service which would provide information on housing alternatives and technology to suppliers, consumers and public agencies involved in housing;
3. measures should be developed which would

encourage housing rehabilitation such as granting property tax relief on home improvements in certain areas;

4. measures should be investigated which would use property tax relief as an incentive for the provision of dwelling units equipped for and occupied by the handicapped or elderly;
5. guidelines should be established which would allow smaller Planned Unit Developments and subdivisions to be processed solely by administrative review;
6. the Municipality should investigate the possibility of leasing some of the land it acquires through tax delinquency for low and moderate income housing;
7. zoning, subdivision and building requirements should be reviewed to determine if changes in these requirements could be made which would lower housing costs while maintaining housing quality;
8. the use of subsidized loans, improvement districts, and Community Development Act funds to encourage housing rehabilitation of housing and neighborhoods, should be allotted to those areas where the program has the greatest impact and where major changes in use or density are not foreseen;
9. zoning incentives, such as permitting density increases, should be created to encourage an increase in the quantity of housing, particularly for modest income groups, as well as an improvement in the quality of housing;
10. housing code enforcement of public buildings (four-plex or larger) should be upgraded and systematized with a view to maintenance of the existing housing stock.

C. Resource Documents.

1. Anchorage Municipality Housing Study (Anchorage Urban Observatory, 1975);
2. Comprehensive Plan Inventory and Analysis (GAAB, 1973);
3. Environmental Atlas of the GAAB (Arctic Environmental Information and Data Center, University of Alaska, 1972);
4. Central Business District Plan (John Graham & Co., 1973);
5. People in Anchorage (GAAB, 1974);
6. Housing Assistance Plan.

D. Implementation Tools.

1. Existing.

- a. Planned Unit Development Ordinance (AO 44-75);
- b. Zoning Ordinance (GAAB OR 1-69);
- c. Subdivision Regulations (GAAB 112-74);
- d. Uniform Building Code;
- e. Official Streets & Highways Plan (GAAB, 1973);
- f. Mobile Home Regulations (Chapter 18 — GAAB Code of Ordinances);
- g. Floodplain Regulations (GAAB 75-111).

2. Proposed Work Program.

- a. Community Block Grant — rehabilitation loan guarantee program;
- b. expanded State of Alaska loan guarantee program;
- c. revise Zoning Ordinance;
- d. update Mobile Home Park Ordinance;
- e. participate in ongoing housing information program (AO 18-75).

21.05.060 Goals and Objectives—Environmental.

- A. To ensure that the natural environment is enhanced, maintained and protected by establishing high quality standards for the protection of soil, vegetation, air, water, sound and sight with appropriate surveillance and enforcement of these standards.

This goal speaks to the unique natural environment which comprises urban and suburban Anchorage. All of the settlement areas are flanked by the Chugach Mountains and the waters of Cook Inlet. From Eagle River, through the Anchorage Bowl and south to Turnagain Arm, the area is coursed by streams, with settlement having taken place in the stream valleys. The streams and stream basins provide much of the water supply and are also natural spawning areas for salmon and Dolly Varden trout. The Anchorage urban area is built on a large alluvial plain which includes extensive areas of hummocky terrain, as well as numerous lakes and bogs.

The stream areas have been utilized for recreational purposes, with a recreational trails system

having already been developed or underway along much of the stream system. In addition to recreational use, these areas are of critical importance to the urban environment. The streams and adjacent bog areas have provided a natural recharge system for the water table. Ship Creek is a principal water supply source, and Eagle River is anticipated to become a major supply source. Damage to these systems would be detrimental to the water supply, to the water table, and to their recreational use.

Although there are some examples of farsighted planning, the environment has often been looked upon as an obstacle to overcome rather than as essential to the well-being of the urban area. While some of the bog areas have been preserved, many have been filled in and developed. In many developments the natural vegetation, which principally includes birch and fir trees, has generally been stripped, with little if any replanting taking place.

If the substantial increase in residential density takes place, as is now anticipated, this natural environment will become all the more critical to Anchorage's residents. The recent examples of well done residential planned unit developments will have to become common practice if the quality of life now enjoyed by the people of Anchorage is to be maintained.

B. Objectives.

1. to encourage activities that preserve existing vegetation and promote more of it in the urban area;
2. to establish criteria for controlling unacceptable noise levels and to establish programs to implement and enforce these criteria;
3. to encourage the recycling of glass, wood, metal and paper;
4. to establish standards for air and water quality with appropriate surveillance and enforcement to ensure that there will be no significant deterioration below current levels and so that there will be improvements in quality as the state of the art permits;
5. to establish policies to protect water recharge, watershed and floodplain areas;
6. to conduct environmental education to enhance understanding of the inseparable relationship between human well-being and environmental quality;
7. the impact of development proposals on wildlife habitat areas should be evaluated;

8. high quality wetlands and marshes should be identified so that they might be protected and preserved as open space.

C. Resource Documents.

1. Solid Waste Management Study (1975);
2. A Study of On-site Sewage Disposal Systems in the GAAB, Anchorage, Alaska (1974-1975);
3. Greater Anchorage Area Sewage Study (Tryck, Nyman & Hayes and Stevens & Thompson Engineers, 1966);
4. Water for Anchorage (U.S.G.S., 1971);
5. Anchorage Water Sources (Anchorage Water Utility and Central Alaska Utilities, December 1973);
6. drainage studies:
 - a. Chester Creek Drainage Study;
 - b. Sand Lake Drainage Study;
 - c. Muldoon Drainage Study;
 - d. Fish Creek Drainage Study;

D. Implementation Tools.

1. Existing.
 - a. Water Well Standards (GAAB OR 75-58);
 - b. Cook Inlet Air Resources Management District (Ch. 16.68, GAAB Code of Ordinances);
 - c. Airborne Particulate Control (Ch. 16.65, GAAB Code of Ordinances);
 - d. Noise Control Ordinances (Ch. 16.85, GAAB Code of Ordinances);
 - e. Sewage Disposal Ordinance (Ch. 16.45, GAAB Code of Ordinances).
2. Proposed Work Program.
 - a. establish environmental assessment procedures;
 - b. prepare comprehensive terrain analysis (Geotechnical Committee);
 - c. develop landscaping plans for public properties and streets;
 - d. conduct a study that would precisely identify hazardous lands and methods of dealing with them. (AO 18-75).

**21.05.065 Goals and Objectives—
Central Business District.**

- A. To promote a people-oriented central business district as the focal point of Anchorage, with a full range of urban uses and activities.

The Central business district or CBD has become more than a place for business activities. It is and should be the hub of the community, providing for cultural events and housing in addition to the traditional concentration of mutually supporting business activities. Such intense development provides for maximum use of the extensive utilities and facilities which are provided in this area.

In addition, the concentration of activities in the CBD is basic to being able to provide efficient public transit. To assure a strong and dynamic CBD which accomplishes each of these purposes a mix of retail, office, residential, recreational, cultural and governmental activities must take place.

Considerable problems have been identified which would affect achieving this desired development of the CBD. They range from a lack of people amenities such as public malls and restroom facilities to the lack of parking and concentrated retail space. However, during the development of this plan a basic community attitude has emerged which supports maintaining a strong CBD. A number of detailed planning studies and specific strategies have been developed dealing with the major potentials and problems in the CBD. Ongoing efforts must continue in order to implement improvement plans and strategies. The goal and the detailed objectives are only a basic outline of what must be done.

B. Objectives.

1. to promote a mixture of financial, retail, cultural, recreational, government and service-oriented development into the CBD and to encourage more high density housing in and close to the CBD;
2. to encourage the preservation of historical resources in the original townsite area;
3. to develop the Central Business district to a human scale, keeping in mind the relationship between open space, structures and pedestrian movement, safety and comfort.
4. to provide a balance of parking facilities within, adjacent to and surrounding the CBD and transit systems to move people from parking facilities to and within the CBD;

5. to develop better access to and around the CBD while removing through traffic from the internal street system.

C. Resource Documents.

1. Central Business District Plan (John Graham & Co., May 1973);
2. Comprehensive Plan Inventory and Analysis (GAAB, 1973);
3. Central Business District — Circulation Element and Parking Plan (Wilbur Smith, 1974);
4. Economic Base Study (Larry Smith & Co., 1972);
5. Public Transportation Feasibility Study (Blevins & Associates, Inc., 1972);
6. Economic Impact Analysis, CBD Zoning Changes (Naramore, Bain, Brady & Johanson, 1974).

D. Implementation Tools.

1. Existing.
 - a. Zoning Ordinance (GAAB OR 1-69, as amended 1975);
 - b. Subdivision Regulations (GAAB 112-72A);
 - c. Official Streets & Highways Plan (GAAB, 1973);
 - d. Capital Improvements Program (annual);
 - e. Anchorage Central Business District Urban Design Amenities (GAAB, 1974).
2. Proposed Work Program.
 - a. specific design plans, such as for an auto-restricted zone;
 - b. landscaping programs;
 - c. special transportation refinements;
 - d. create position of central business district coordinator within the Municipality;
 - e. develop a public market area adjacent to the Central Business District;
 - f. examine and implement means to preserve significant historical landmarks;
 - g. investigation of methods to finance major public improvements in the Central Business district. (AO 18-75)

21.05.070 Goals and Objectives—Recreation.

- A. To provide a wide range of cultural and recreational opportunities to all segments of the community.

To many observers, Anchorage may appear to provide an abundance of park and recreational opportunities for its residents. With the vast acreage available in the nearby Chugach State Park and the various large tracts such as Russian Jack Park, total recreational land seems abundant. Also recreational programming has been provided for some years by the former City of Anchorage and more recently by the former Greater Anchorage Area Borough. In addition, a community school's program was initiated by the Borough which used existing school facilities. This program is now only two years old, but it appears to be in demand, as the program is gradually being extended throughout the Municipality.

There are, however, major problems to be resolved in relation to both the availability of parks and recreational facilities and the level of program activity provided. In the older, more densely developed neighborhoods, there is a lack of nearby neighborhood parks. General purpose community room facilities will be needed in conjunction with neighborhood schools throughout the community. There already exists a demand for organized programs for all segments of the community. There are many factors which relate to the need for organized programs and facilities, not the least of which are the long winters and periods of darkness. A recent survey done by a branch of the Lou Harris Poll for the Anchorage Arts council found that approximately 70% of Anchorage residents stayed within the urban area for their recreational activities. The poll also registered a high preference for organized activities.

The community presently is particularly concerned with the damages caused by acts of vandalism. The community schools program and other organized activities may be the needed steps to diminishing such acts. Most of the physical parks planning has been done and recreational program planning is underway. What is needed is implementation. The goal and detailed objectives provide the basic outline for action.

B. Objectives.

1. in providing for park and recreation needs within individual communities, a balance between development and acquisition will be emphasized, except that where minimum

standards of park land acquisition have not been met, special emphasis will be placed on acquisition;

2. to provide for usable publicly owned open space;
3. to promote use of geological hazard areas and marginal lands for parks, recreation, and open space;
4. to encourage the implementation of active recreation and cultural programs within publicly owned lands and facilities;
5. to provide separate use areas for mechanized and non-mechanized recreational equipment;
6. to establish greenbelts along the major streams in the municipality;
7. park, recreation and community facilities shall be combined with school sites in order to best serve residents of the area and reduce costs.

C. Resource Documents.

1. Parks, Recreation and Open Space Guidelines and Standards (GAAB, 1974);
2. neighborhood park plans;
3. Bikeway and Related Trail System Plan (GAAB, 1973);
4. Central City Park Plan;
5. Bicentennial Park Plan;
6. Chester Creek Park Plan;
7. Campbell Creek Greenbelt Plan;
8. Comprehensive Library Services and Facilities Plan (GAAB, 1975);
9. Attitude Survey (Anchorage Arts Council, 1975)
- 10.) Turnagain Arm Park Plan
11. Turnagain Arm Trails Plan

D. Implementation Tools.

1. Existing.
 - a. Subdivision Regulations (GAAB 112-72A);
 - b. Zoning Ordinance (GAAB, 1969)
 - c. Capital Improvements Program and budget;

- d. community school's program;
- e. school district policies and programs proposed.

2. Proposed Work Program.

- a. Park Dedication Ordinance;
- b. Community Block Grant;
- c. adoption of a comprehensive Trail System Plan;
- d. develop a plan for the establishment of recreational and leisure time programs. (AO 18-75).

21.05.075 Goals and Objectives—Education.

- A. To provide a full choice of educational opportunities to all segments of the community, utilizing all community facilities and programs to maximum advantage.

Education has been and continues to be one of the primary concerns of the community. Nearly 70% of the local tax dollar now goes to elementary and secondary educational programs. The types of programs and the ways in which they are carried out continues to be the subject of frequent controversy. There is a considerable feeling expressed by community residents that they should have more say in the educational programs of their neighborhood schools. A major ad hoc citizen effort was conducted as to desired changes, which is presented in the "Refocus" report.

There have been a number of changes over recent years in offering optional programs such as open classrooms, extended vocational training programs and continuing education. The school facilities are utilized by the Community College and the community school's program to offer continuing education through a schedule of evening classes. Educational programs are being offered to all age groups. With the community school program, the emphasis is shifting to make the neighborhood community schools and activities center providing a total learning center for each community. The community schools council for each of the neighborhood community school's programs provides a constant level of citizen participation in the program offerings of these extended education-recreational activities. The goals and objectives serve as a general direction for implementing these activities.

B. Objectives.

1. to meet the education needs of children, alternative school, special education and other innovative programs shall be developed;
2. to encourage full-time recreational and educational programs using present school facilities and community buildings;
3. to meet the educational needs of adults;
4. to ensure that adequate land be made available for educational facilities through advanced site acquisition.

C. Resource Documents.

1. School Site Selection Reports (Muldoon, Turnagain, Bayshore, GAAB 1971);
2. Refocus Report;
3. school district policies and programs.

D. Implementation Tools — Existing.

1. Capital Improvements Program and budget;
2. community schools program;
3. Community Block Grant Program. (AO 18-75).

21.05.080 Goals and Objectives — Economic.

- A. to encourage a broadly based economy focused on clean industry, which provides opportunities for employment and economic growth while accounting for the full cost of development.

This goal emphasizes the importance of a strong economy in meeting all of the community's goals. The broadly based economy emphasized by this goal would free Anchorage from the cyclical swings which affect an economy based on a few industries. The goals also states that economic development should be examined not only for its effect on jobs and economic growth, but also for the community and environmental costs associated with its development. By accounting for the full cost of development, needed economic development would be encouraged which would not conflict with other community goals.

This goal also emphasizes the desire for clean industry which would not have a detrimental effect on the environment. The goal correlates well with the other goals which are part of the Comprehensive Plan.

B. Objectives.

1. to work to increase employment opportunities;
2. to develop indices to measure economic, social and environmental cost of growth and major developments, including social and environmental programs; to keep them current and well publicized, and ensure that they be considered in every decision;
3. to periodically examine taxation and assessment policies to ensure that they complement municipal goals and objectives.

C. Resource Documents.

1. Economic Base Study (Larry Smith & Co., 1972);
2. People in Anchorage (GAAB, 1974);
3. Alaska Economic Trends (Alaska Dept. of Labor);
4. The Alaskan Economy (Alaska Dept. of Commerce & Economic Development);
5. Municipal Annual Report;
6. Man in the Arctic Program (ISEGR, University of Alaska);
7. Economic Information Study (Anchorage Urban Observatory, University of Alaska);
8. Overall Economic Development Program (annual).

D. Implementation tools.

1. Existing.
 - a. Zoning Ordinance (GAAB 1-69);
 - b. annual Capital Improvements Program.
2. Proposed Work Program.
 - a. update of Economic Base Study;
 - b. utilize Anchorage Economic Development Commission;
 - c. cost/revenue model;
 - d. provide periodic Economic Information Report. (AO 18-75).

21.05.082 Goals and Objectives — Eagle River-Chugiak-Eklutna Area.

Goals and objectives specifically and uniquely appropriate to the Eagle River-Chugiak-Eklutna community are implicitly set forth in the Eagle River-

Chugiak-Eklutna Comprehensive Plan which is incorporated herein by reference under the provision of Section 21.05.105 as an element of the Comprehensive Development Plan. (AO 79-136).

21.05.083 Goals and Objectives — Turnagain Arm Area.

A. Goals and objectives specifically and uniquely appropriate to the Turnagain Arm area are implicitly set forth in the Turnagain Arm Land Use Plan, which is incorporated by reference under Section 21.05.105 as an element of the Comprehensive Development Plan. The goals, objectives and recommendations of the Turnagain Arm Land Use Plan shall be controlling in the Turnagain Arm area where they conflict with the Comprehensive Development Plan. Specific objectives for the Turnagain Arm area include:

1. to establish orderly and effective patterns of land use for the Turnagain Arm communities consistent with the environmental resources of the area and the rural-recreational orientation of development;
2. to establish public facilities and services consistent with the expected demographic growth and the desired patterns of land uses;
3. to establish a plan for disposal of land selected by the Municipality under the Municipal Land Entitlement Act which both preserves lands for present and future public needs and also recognizes an intent to convey into private use developable land for which no public need exists;
4. to establish needed trail, park and transportation facilities for inclusion in the respective areawide trails, parks and official streets and highways plans;
5. to consider and implement the Municipal Coastal Management Program in a manner consistent with the competing land uses and needs of the Turnagain Arm area;
6. to recognize the need for some form of land management system in the Turnagain Arm area and to ensure implementation of a system within a specified time period;
7. to recognize the use of the Turnagain Arm Plan as a guide and standard of the Platting Board and the Planning and Zoning Commission in reviewing land use development and in making decisions on density, pattern and location of private development and public facilities.

B. The Turnagain Arm Land Use Plan land use designations resolve the preservation, conservation and utilization uses of the Municipal Coastal Management Program. The plan maps and regulatory controls are of a general nature and are not intended to preempt specific language of an adopted Coastal Management Program.

C. Scenic corridors. The following highways in the Turnagain Arm area are designated scenic corridors:

1. the Seward Highway, from Potter's Marsh south to the Municipal boundary at Portage;
2. the Alyeska Highway, from its intersection with the Seward Highway to its intersection with Elberg Road;
3. Crow Creek Road, from its intersection with the Alyeska Highway to the Chugach National Forest boundary. (AO 79-208).

21.05.085 Implementation—Effect of Chapter.

The provisions of this chapter are not intended to be self-executing unless so specified by their terms. All provisions which are not self-executing are deemed to be directive and advisory. Directive and advisory provisions are intended to establish a continuity of governmental policy and are to be used as guidelines for future actions of the municipal government. The Municipality shall, when appropriate, consider advisory provisions and shall take positive action toward meeting directives within a reasonable time. (AO 18-75).

21.05.087 Implementation — Anchorage Wetlands Management Plan.

A. The following municipal programs and activities shall be undertaken in conformity with the Anchorage Wetlands Management Plan:

1. Municipal capital facility programming as expressed in the Capital Improvement Program (CIP);
2. Municipal management and disposal of the state lands selected under AS 29.18.210-213.

B. Municipal Zoning and Platting Actions.

1. Municipal zoning and platting actions taken under this Title shall be consistent with the Anchorage Wetlands Management Plan. It is the intent of the Municipality that wetlands designated "preservation" in Table 6-3 will be protected as indicated in that table and in Chapter 7 of the Anchorage Wetlands Management Plan.

2. The provisions of AMC 21.80.130 - 21.80.145 shall be applied to plats showing development of wetlands designated "preservation" under the Plan where fee simple acquisition is required by the Plan. If at the end of the 15-month period for acquisition provided by AM 21.80.130 - 21.80.145, the "preservation" wetlands have not yet been acquired, by mutual agreement of the property owner and the Municipality, the reserve tract designation may be extended, in consideration of which agreement the Municipality shall pay an amount equal to the taxes accumulated on the property for the period of reservation. If the Municipality and the property owner do not agree on an extension of the reserve tract designation, the property owner must obtain a Section 404 permit required by the Federal Clean Water Act of 1972, as amended, before being allowed to submit a plat for that property. In conducting the Section 404 review, designation of a wetland for preservation shall be conclusive on the Municipality; the preservation standard found in Section 6.6 of the Plan must be applied.

3. Any development of a "preservation" wetland allowed by the platting authority after a developer has acquired a Section 404 permit, must be conditioned on use of the recommended construction mitigation techniques to the maximum extent practicable.

4. In order to maximize protection of wetlands designated "conservation", in addition to the criteria normally considered in subdivision and conditional use applications, the platting authority or the Planning and Zoning Commission must, prior to approval, make explicit findings that:

- a. the proposed design and placement of roadways, utility lines and structures will not interfere with the natural drainage function indicated in the required hydrologic studies or that such interference can be adequately mitigated to maintain the natural drainage function;
- b. the soils in the area proposed for development will adequately support roadways and structures, or that property designed roads and foundations will be provided;
- c. habitat areas identified in the required habitat studies will be adequately protected.

Maintenance of open space in its natural

state shall be required where the platting authority or the Planning and Zoning Commission determines that such is necessary to protect the hydrologic and habitat values of wetlands on the property being developed or on adjacent property. Areas where open space is to be preserved in its natural state shall be indicated on the plat or approved site plan. The platting authority and Planning and Zoning Commission may require such land development techniques and such additional conditions as may be appropriate to carry out the intent of the wetlands plan taking into consideration information required by AMC 21.15.110 (C) or 21.15.030 (D) (3) and such other wetlands studies as may be relevant.

5. Whenever practicable, the platting authority or the Planning and Zoning Commission should include the recommended construction mitigation techniques when approving plats or conditional use permits in wetlands designated "developable" under the plan.

C. Application of plan to approved projects.

Conditional uses and preliminary plats approved to April 20, 1982, the date of adoption of the Anchorage Wetlands Management Plan, shall not have additional conditions imposed upon them as a result of the requirements of the plan except as follows:

- 1. The "preservation" designation shall apply regardless of prior approvals;
- 2. Approved plats or conditional uses in wetlands which are returned to the platting authority or Planning and Zoning Commission for major amendment may be examined for conformity with plan goals and policies. (AO 82-335).

21.05.090 Implementation—Land Use Classification System

A. General. A vital part of any comprehensive Plan is the development of a land use classification system on which future zoning will be based. The principal objective of such a classification system is to provide a rational and consistent foundation, which will guide the entire land use regulation system. The following provides an outline of the purposes to be achieved by the regulatory system:

- 1. to provide a balanced, compatible land use mix, including a range and placement of land use activities deemed necessary to the community well-being;

2. to separate incompatible uses and minimize conflict between land uses;
3. to provide appropriate land use allocation by category in keeping with a realistic assessment of areawide and localized community needs;
4. to anticipate and avoid probable physical, economic and social hazards to the community;
5. to assure that the functional classification of land achieves stated community purposes;
6. to assure the continued physical, social and economic vitality of each community within the Municipality;
7. to provide incentives for reinvestment by the private sector to achieve stated community objectives;
8. to accommodate changing lifestyles, technology and economic conditions.

B. Form. The land use classification system establishes functional land use categories. These categories are to be physically grouped in a manner which achieves complementary relationships within and between each such category. The functional categories are to be further differentiated according to their development status and to the degree of commitment to specific development patterns. This differentiation is to be established by designating areas as active and special review. The plan maps will graphically depict the classification system and provide guidelines regarding the scale and intensity of development.

Lands on the Plan map within the Anchorage core area lying between Fort Richardson and Potter commonly referred to as the "bowl area", are depicted under various respective functional categories as an active classification. Lands in the active classification incorporate all of the functional categories. Included are lands which generally meet one or more of the following criteria:

1. developed land uses which have a long-term economic life;
2. lands which have been subdivided and developed with public improvements;
3. lands for which a current special use approval or subdivision has been granted;
4. undeveloped land tracts which represent a minor portion of the neighborhood, where

conditions applying to the site location and the character of surrounding development have effectively established the type and scale of future development;

5. pre-existing zoning represents a commitment of undeveloped lands to a specific type of future land use.

C. Land development policies - Eagle River-Chugiak-Eklutna area. Lands in the Eagle River-Chugiak-Eklutna area are generally either in the formative stages of development or totally undeveloped. The plan maps pertaining to this area contain classifications which are based upon four distinct land development policies. The policies underlying the map classifications are set forth below:

1. Urban/suburban development area. This area is centered on the community of Eagle River. The urban/suburban area expands from the existing community to encompass land as far south as the Eagle River Floodplain; as far east as Mile 3 on Eagle River Road; as far north as Fire Lake; and as far west as the Alaska Railroad south of Fire Creek. The urban/suburban development area contains the major commercial and employment center and the highest concentration of population. Population densities range from 3-30 dwelling units per acre. Major public investments in this area will include facilities for sewer and water.
2. Rural development areas. Rural development areas are generally located from Fire Lake to Peters Creek; east of the New Glenn Highway between Peters Creek and the Eklutna River; on the south side of the Eagle River in the area of Hiland Drive; and on the north side of the Eagle River east of Mile 3. These areas are suitable for development at a low density level of one to two dwelling units per acre. Reasons for the retention of low density include community desires, existing subdivision patterns and lack of water sources that would allow a higher level of development. No public investment for sewer and water is planned for these areas. Sewer and water will be provided with individual on-site septic systems and wells.
3. Special study rural development area. This area encompasses approximately 3,000 acres of land located northwest of the New Glenn Highway between Peters Creek and Eklutna. At Eklutna, the area also includes land east of the highway. Most of the land within this area is undeveloped. Exceptions are found along Peters Creek, the Old Glenn

Highway and the Eklutna village area. Most of the land within the special study rural development area is unplatted.

There is currently insufficient data on ground water supply and soils to determine whether high densities are feasible. The Municipality is currently making arrangements for sewage and hydrology studies for this area.

Following the completion of sewerage and hydrology studies, a more informed determination of the ultimate land use and density may be made. If there is a demand for additional housing and an adequate water supply is available to accommodate it, development should take place within an integrated sewer and water management system.

4. Resource protection areas. Resource protection areas are those lands identified as being marginally suitable for development, alpine or with slopes generally greater than 25%. The land use plan designates these areas as marginal lands, and/or alpine and slope-affected lands. Alpine and slope-affected lands are designated for residential use, the density of which will be established by the proposed alpine and slope development ordinance.

D. Land development policies - Turnagain Arm area. Lands in the Turnagain area are in the formative stages of development. Although these lands are currently zoned U, the land use classification within that area is intended to guide future land use controls, including zoning when it is implemented, and it is intended to reflect the future policies of the Municipality.

The plan maps of this area contain classifications which fall within the general categories described in subsection E below.

Not later than January 1, 1981 a definite implementation plan, reflecting the purposes and recommendations of the Turnagain Arm Comprehensive Plan should be developed and presented to the Assembly for approval. Means of implementation may include zoning, a permit system or design criteria.

E. Land use categories. Lands which are considered as active land uses represent a commitment to maintain and improve the established character of development. Future land use decisions made by the Municipality such as area-wide zoning, or other land use controls, changes in established zoning districts and approvals of Conditional Uses should be in

accordance with the guidelines established by this section and the plan maps. The following describes the functional land use classifications set forth in the plan maps:

1. Residential. This classification applies to those areas which are substantially developed for or intended for residential purposes and which are expected to remain that way within the time frame of the Comprehensive Plan. Residential land use density ranges are applied to each community which generally indicate the number of residential units achievable in a general location. The actual achievable use of a given site will be further defined by the residential zoning. Future land regulations will be guided by the designated intensities of the plan map. This classification and any new performance standards have very little effect on existing residential areas, except where redevelopment is occurring or is anticipated. In these instances, it will serve to reinforce or enhance the quality and character of the residential community.

2. Commercial. This classification applies to those areas which are substantially developed for or intended for commercial purposes and which are expected to remain that way within the planning period. The actual achievable use and development criteria for any given site will be further defined by special commercial zoning.

It should be pointed out that the locations of all new neighborhood business areas are not depicted on the land use classification map. This has not been done since it is impossible to determine the extent and location of these areas at this time. It is anticipated that when requests for neighborhood business zoning are submitted in locations not depicted on the map that such requests will be favorably considered only if a need is shown and if the policies for the establishment of business areas which are part of this plan are followed.

3. Industrial. This classification applies to those areas which are substantially developed for or intended for industrial purposes and which are expected to remain that way within the planning period. The actual achievable use and development criteria for any given site will be further defined by specific industrial zoning and existing or new performance standards.

4. Public Lands and Institutions. This classification applies to all existing active uses of

this type where development plans have been completed and adopted. It does not apply to such lands where the permanent use is yet to be determined. Locational criteria are determined on an areawide and community basis. On the plan map, this classification is divided into parks, schools, and public lands and institutions.

5. Marginal, alpine and slope-affected lands. A variety of environmentally sensitive areas within the Turnagain Arm and Eagle River-Chugiak-Eklutna areas have been identified as marginal, alpine or slope-affected. These areas include saltwater marshes, critical wildlife habitats, freshwater marshes, wetlands, floodplains, unstable soils, historical and archaeological sites, tidal creeks and flats. These areas are identified under the "preservation" and "conservation" classifications of the Coastal Management Program covering the Turnagain Arm and Eagle River-Chugiak-Eklutna areas. On the basis of the degree of environmental sensitivity, lands have been classified as either marginal or alpine and slope-affected. Each of the classifications represents land for which development proposals should be carefully scrutinized during such planning processes as are prerequisite to actual development.

Within the marginal area, development generally should not occur, or should be limited to open space or passive recreational uses. Selected other uses could, however, be developed under certain conditions. Areas now designated as marginal under the categories of floodplains and wetland/marsh areas could be developed at low rural residential densities and under planned unit developments in accordance with development plans which place improvements on adjacent geologically suited ground. In areas where development would occur on lands of questionable suitability, a specific site analysis examining soils, slope and hydrology should be required. In addition, if development is to occur on a wetland area, studies should identify remedial measures necessary to maintain the original hydrologic cycle.

Alpine and slope-affected lands pose certain physical constraints on development. Such items as glaciation, erosion, slope stability, avalanche hazard, watershed protection and soil percolation should be adequately addressed prior to any development. The lands in the Eagle River-Chugiak-Eklutna area include over 9,000 acres of

potentially private property identified as either alpine terrain or including slopes exceeding 25%. Some of this land is currently in private ownership, and the bulk of the remainder is under an Eklutna Native selection. Lands within these areas are generally mountainous primarily in the valleys of upper Eagle River, South Fork, Peters Creek, and Eklutna River. These lands include private inholdings within Chugach State Park as well as lands adjacent to the park.

Development within the area classified as alpine and slope-affected should be discouraged until the development and adoption of a comprehensive alpine and slope development ordinance designed to deal with development in mountainous terrain. Any development occurring prior to the adoption of such standards should be specifically scrutinized for compatibility with the carrying capacity of the land and with public values in the maintenance of alpine vegetation and slope patterns.

6. Special study rural development area. The purpose and description of the special study rural development area is set forth in subsection C as a statement of policy respecting this area. Prior to the completion of studies necessary to assess the ultimate plan for this area there will be some demand for development which will require the establishment of interim zoning and platting guidelines. Interim development in this area will be permitted only at low densities. Initial density ranges to be considered prior to and at the time of initial areawide zoning shall be from two dwelling units per acre to one dwelling unit per five acres. In the time period between the stages of interim and final areawide zoning of the area, piecemeal rezoning petitions permitting increased density should not be approved unless in addition to normal requirements the petitions are accompanied by detailed hydrology and sewerage studies which demonstrate the capacity of the land to accommodate increased density and the effect of the rezoning on the long-term development of the entire area. Following the completion of the referenced studies for this area, interim low density zoning should be superseded by a final areawide zoning plan in accordance with the findings of the completed planning process.

- F. Land use intensity--residential densities. To further define the land classification system in

the implementation section of the Comprehensive Plan, density ceilings are established for each residential area. These ceilings serve to define the general level of development desired. These density ceilings are scaled according to factors such as proximity to services, employment and transportation. Thus, land next to the central business district could accommodate greater density uses than outlying land not located near such an employment center. Both initial development and redevelopment of existing uses will be subject to these density criteria. (AO 18-75, am AO 79-136, AO 79-208)

21.05.095 Implementation—Comprehensive Plan Maps.

- A. Adoption. (Maps amend by AO 79-136, AO 79-208) the Comprehensive Plan Maps are hereby adopted to supplement and explain the written text of this chapter and to establish a rational guide for the future application of land use regulations. The Comprehensive Plan Maps shall be maintained and amended in the same manner as the zoning map.
- B. Land use classification maps. The land use classification maps identify those areas which, on the basis of the entire Comprehensive Plan, are best suited for the functional classification indicated. The functional categories neither affect current zoning regulations nor place additional regulations on specific property. Future land use decisions such as rezoning, subdivision approval and conditional uses must conform to the indicated functional categories in the absence exceptional circumstances. Exceptions could be recognized where existing uses are compatibly integrated into the area or where future uses could comply as compatible land uses by meeting appropriate standards pertaining to access, noise, landscaping, screening, structural or other improvements required by circumstances.
- C. Residential intensity map. The residential land use intensity map depict generally desirable densities or intensities of future residential development. The residential intensity map will not affect current zoning regulations nor will it place additional regulations on specific property. Future land use decisions such as rezoning, subdivision approval, and Conditional Uses must conform to the indicated intensity except in those circumstances where a greater specific intensity would not alter the plan for the area. Somewhat greater intensity may therefore be permitted through a Planned Unit Development or in establishing high density nodes. Likewise, greater densities may be appropriate around

neighborhood shopping centers or, where appropriate, around nonconforming uses.

- D. Interpretation. The Comprehensive Plan Maps provide guidelines for land use decisions. Because the map represents a summary of all the written data and policies outlined in the Comprehensive Plan Report, it is necessarily generalized. Since the generalization is necessary, the exact boundaries are subject to interpretation. Areas clearly within any particular classification should be treated as indicated. Areas at or near the boundaries may be analyzed under either or both classifications, utilizing the goals and objectives contained in the text, provided that the imprecision of the boundaries is not used as a basis for cumulative encroachment. Ultimately, these Comprehensive Plan Maps must be precisely defined and implemented through land use regulation Ordinances. (AO 18-75 — am, AO 79-136, AO 79-208).

21.05.100 Implementation—Future Land Use Regulation.

Conventional zoning and subdivision regulations, though subject to modification, will continue to serve as the legal base for land use regulation. These mechanisms are established legal tools, defined by extensive application and litigation. Refinements to these mechanisms will be considered to provide greater flexibility. These refinements include, but are not limited to, the following:

- A. Performance standards;
- B. Contract zoning;
- C. Incentive zoning;
- D. Development rights transfer;
- E. Timed development zoning;
- F. Special district zoning;
- G. Impact zoning;
- H. Land banking;
- I. Leasehold development; and
- J. Alpine and Slope Development Ordinance

In brief, the legal intent of present conventional zoning provides for the health, safety and welfare of the community. Currently, this is codified and applied by way of uniform, rigid standards, e.g., land uses, densities, heights, setbacks and other specifically defined aspects of development. Legislative refinements as indicated above would provide more flexible means to accomplish the same intent.

To provide a basis for other legislative refinements, performance standards shall be prepared as amendments to the Zoning Ordinance. Among the performance standard categories which maybe considered are the categories listed in the document entitled, "Comprehensive Development Plan, Greater Anchorage Area Borough, Volume II; July 1975, Revised Draft," stamped "Preliminary." (AO 18-75), am AO 79-136).

21.05.102 Implementation — Hillside Wastewater Management Plan.

The Hillside Wastewater Management Plan recommends extension of the public sewer system to the areas shown on sheets 1 and 2 of Map 9 of the plan. Extension of the public sewer system into these areas will make possible higher density development than is allowed by the present zoning. To protect neighboring lower density developments existing as of the date of adoption of the Hillside Wastewater Management Plan, any rezoning of property within the sewerage area shown on Map 9 from lower to higher density shall be allowed only special limitations which address the issues of buffering, internal circulation, drainage and protection of vegetation if the property for which the rezoning is sought is contiguous to an existing lower density development. The standards to applied in determining the precise form of the special limitations are those found in Chapter 6 of the Hillside Wastewater Management Plan Technical Report dated January, 1982.

21.05.103 Implementation—Areawide Zoning in the Eagle River-Chugiak-Eklutna Area

The U (unrestricted) zone which currently encompasses most of the land within the Eagle River-Chugiak-Eklutna area is inadequate to serve increased pressure for development of the area. Interim development of the area shall proceed in accordance with the provisions of this chapter until an areawide zoning plan is adopted. Until initial areawide zoning of the area is accomplished, no plat or rezoning petition shall be approved which is not in strict conformance with the land use classification map and the residential intensity classification map. Initial areawide zoning shall be based upon the Comprehensive Development Plan including but not limited to the plan maps. Prior to or at the time of initial areawide zoning, the zoning ordinance shall be amended to include an additional land use classification for alpine and slope-affected areas. (AO 79-136).

21.05.104 Implementation—Land Use Controls in the Turnagain Arm Area.

The U (unrestricted) zone which currently encompasses most of the land within the Turnagain Arm area is inadequate to serve the increased pressure for development of this area. It is intended that the Turnagain Arm Land Use Plan be implemented through the study and development of alternative land use management systems, including zoning, permit system or design criteria system. Interim development of the area shall proceed in accordance with and generally conform to the provisions of this chapter during the period of consideration of alternative land use management systems. Area-wide land use controls shall be based upon the Comprehensive Development Plan, including but not limited to the plan maps. (AO 79-208).

21.05.105 Incorporation of Additional Elements as Part of Comprehensive Development Plan.

The following elements of the Comprehensive Development Plan are adopted by reference:

- A. Bicentennial Park Plan;
- B. Campbell Creek Park Plan;
- C. Central Business District;
- D. Official Streets and Highways Plan, as adopted or updated, according to Section 24.10.050;
- E. Parks, Recreation and Open Space Plan;
- F. Spenard Park Plan;
- G. Sand Lake Park Plan;
- H. Muldoon Park Plan;
- I. Chester Creek Park Plan;
- J. Central City Park Plan;
- K. Comprehensive Library Service and Facilities Plan;
- L. Bikeways and Related Trails Plan;
- M. Rabbit Creek-Foothills Park Plan;
- N. Eagle River-Chugiak-Eklutna Comprehensive Plan;
- O. Turnagain Arm Land Use Plan; and
- P. Municipality of Anchorage Coastal Management Plan, dated July, 1979, consisting of the following:
 1. Material on page 28 entitled "Anchorage Coastal Management Boundary".

2. Section entitled "Areas Meriting Special Attention" (pages 29-39).
3. Section entitled "Coastal Management Policies and Goals" (page 41-51), with the exception that the recommended policies under the heading "Selected Freshwater Marshes, Wetlands and Coastal Marshes" (page 46) shall read:
 - a. Planning, programming and construction activities of the Municipality shall recognize and consider the natural functions and values as delineated in the Anchorage Wetlands Management Plan.
 - b. In wetlands identified for development, appropriate mitigation techniques, as specified in the Anchorage Wetlands Management Plan, shall be used to the maximum extent practicable.
 - c. All public works activities such as transportation projects, utilities, sewers and drainage activities shall avoid or minimize any identified adverse impacts upon freshwater marshes and wetlands to the maximum extent practicable.
 - d. Natural functions and values identified for freshwater marshes and wetlands in the Anchorage Wetlands Management Plan shall be protected as indicated therein.

4. Section entitled "Recommendations" (pages 55-57).
5. Map 12, Vol. I and Map 12, Vol. II entitled "Coastal Management Zone: Preservation" found in the Anchorage Coastal Resource Atlas, with the exception that the designation of freshwater marshes and wetlands for preservation is superseded by the preservation designations within the Coastal Zone and shown on Maps 6-4, 6-5 and 6-6 and as further described in table 6-3 of the Anchorage Wetlands Management Plan.
6. Map 13, Vol. I and Map 13 Vol. II entitled "Coastal Management Zone: Conservation and Utilization" found in the Anchorage Coastal Resource Atlas.
7. The Anchorage Wetlands Management Plan, dated October, 1981, revised February, 1982, supersedes those portions of the Anchorage Coastal Management Plan for freshwater wetlands within the coastal management boundary.

Q. 208 Areawide Water Quality Management Plan, dated August, 1979.

The Anchorage Wetlands Management Plan

dated October, 1981, revised February, 1982, supersedes those portions of the 208 Areawide Water Quality Management Plan relating to Anchorage wetlands and is the Water Quality Management Plan for wetlands within the 208 study boundary.

- R. Anchorage Wetlands Management Plan, dated October, 1981, and revised February, 1982. (AO 81-335).
- S. Official Street and Highway Landscape Plan.
- T. The Hillside Management Plan dated February, 1982, and the Transition Area Standard in the Hillside Wastewater Management Plan Technical Report dated January, 1982.

Each of the above publications shall be made available for inspection and sale at the general offices of the Municipal Department of Community Planning.

The above elements of the Comprehensive Plan are to be considered both supplementary and additional to the elements of the plan set forth in this chapter (AO 18-75, am AO 79-70, AO 79-136, AO 79-208, AO 81-03, AO 81-180).

21.05.110 Definitions.

In this chapter the following words or terms shall have the meaning specified:

- A. "Buffer" is a term describing features, either natural or man-made, which separate land uses; the separation may be visual, physical or in terms of a barrier from sound. The buffer could amount to a natural, tree-covered hill, a grouping of trees, a fence, a strip of and or various landscaping features. The use of "buffer" is generally to minimize any negative effects of one land use activity on other adjacent activities.
- B. "Capital improvement" means any major expenditure for physical facilities of government, such as costs for acquisition of land, construction of buildings, highways or utility lines, fixed equipment, landscaping, etc.
- C. "Capital Improvements Program" means the long-range schedule of projects with their estimated costs over a period of five to ten years. The most common period is six years.
- D. "Cluster development" means the concentration of residential dwelling units into groups of units, which thereby utilizes the land more efficiently, freeing up land for open space or for recreational activities as well as other uses. Clustering and development generally require less area for paving and utilities.

- E. "Commercial core" means an area where a concentration of commercial activities is established, generally located at the juncture of major transportation facilities (two arterial roads) and which includes a variety of activities ranging from retail activities to office use.
- F. "Community" is a term applied geographically to individual groupings of neighborhoods, indicating a specific area within a larger region (e.g., the Muldoon Community or the Anchorage Community).
- G. "Cook Inlet Air Shed" means the air system which functions through Cook Inlet, confined by the Alaska and Talkeetna Ranges to the northwest, north and northeast, and by the Chugach and Kenai mountains to the southeast, south and southwest.
- H. "Density ceiling" means the maximum number of residential units typically permitted in a given geographical area.
- I. "Goal" provides the direction toward which one strives rather than a point to be arrived at. As such, it is a long-range performance level, most often expressed in abstract terms, which is based on perceived needs and a particular individual's values. Since all substantive action, whether it be that of an individual or of a community, is oriented toward approaching some goal, goals can be viewed as expressing the real purpose underlying one's action.
- J. "Hazardous lands" mean those areas where the unique geologic features or geographical conditions create hazards to life and property and should not be developed. Conditions such as geologic fault lines, unstable subsoils, sluffing (erosion or collapse of bluff areas), avalanche, or high velocity winds could typically be encountered.
- K. "High Density" is a term generally applied to residential development, when the number of dwelling units per acre of land considerably exceeds the typical single-family residential development. This term can also be applied to high-rise office structures.
- L. "Marginal lands" mean areas where the soil and/or subsoil conditions require special attention when being developed. Conditions such as drainage, shrink-swell, frost heave, ice lenses, peat overburden or clay subsoil could be typically encountered. The placement of building-foundations, utilities and streets requires greater care to avoid future damage or extensive maintenance costs.
- M. "Multimodal" means a variety or combination of transportation facilities to transport people and goods, including air, rail, roads, trails and walkways, providing an integrated system to move pedestrians, motor vehicles, trains or planes through, around, into, or out of a geographic area.
- N. "Objective" means a position to be attained or a specific purpose to be achieved. It may take some time to attain, but leads in the direction of achievement of a goal. Objectives should be consistent with established goals.
- O. "Open space" means land areas which are set aside in an undeveloped state due to their unique characteristics or the necessity of buffering developed areas. Typically, these areas would not be actively used, although they would logically be utilized for a trails system. Such areas could be included within the framework of an individual subdivision or at the neighborhood, community or regional level.
- P. "Performance standards" mean criteria used for testing the degree of hazard or nuisance from land use activities creating smoke, dust, noise, glare, odor or fumes, or from activities generating traffic or producing wastes. Application of the criteria determines whether the effect of a particular use is within predetermined limits and therefore is permissible in a particular zone.
- Q. A Planned Unit Development is a Conditional Use granted by the Planning and Zoning Commission for a use or combination of uses, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space. (AO 18-75, am AO 78-231).

Chapter 21.10
BOARDS, COMMISSIONS AND ADMINISTRATIVE OFFICIAL

Sections:

21.10.005	Administrative Official.
21.10.010	Planning Staff.
21.10.015	Planning and Zoning Commission.
21.10.020	Platting Board.
21.10.025	Zoning Board of Examiners and Appeals.
21.10.030	Board of Adjustment.
21.10.035	Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals— Composition, Organization and Compensation.

21.10.005 Administrative Official.

- A. The Mayor may designate one or more members of the municipal staff to administer and enforce this title. Any municipal official so designated shall have the authority to order: the discontinuation of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with all planning and land use regulations including, but not limited to, the suspension or relocation of building permits, conditional uses or other municipal land use permits.
- B. Inspections and right of entry. The administrative official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Title. Whenever it is necessary to make an inspection to enforce any of the provisions of this Title, or whenever the administrative official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises in violation of any provision of this Title, the administrative official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the official by this Title, provided that no inspection for which a warrant would be required under the Constitution of the State of Alaska or the United States may be conducted under this section unless the administrative official first obtains an administrative inspection warrant authorizing that inspection prior to the

inspection. The administrative official shall apply to the Trial Courts of the State of Alaska for inspection warrants and shall state the name and address of the premises to be inspected, the authority to make the inspection, the nature and extent of the inspection, and those facts or circumstances which demonstrate valid public purpose in the effective enforcement of this Title sufficient to justify such inspection. Warrants issued under this section shall be returned in 10 days. (Adapted from GAAB 21.05.080A and B, .100, AMC 23.05.010E and 10.10.050).

21.10.010 Planning Staff.

The staff of the Municipal Department of Community Planning and the Building Safety Division of the Department of Public Works shall act in an advisory and support capacity to the Planning Commission, Platting Board, Zoning Board of Examiners and Appeals and Board of Adjustment and shall review or coordinate the review of all applications to those bodies. In those cases where an application must be considered by a board or commission at a public hearing, the staff shall have the authority to reject from consideration those applications which do not meet the minimum submission requirements established by ordinance or regulation or by operating procedures approved by the relevant board or commission. (GAAB 21.30.070, .180, .300 and .400).

21.10.015 Planning and Zoning Commission.

- A. Establishment of Planning and Zoning Commission. A Municipal Planning and Zoning Commission is hereby established. The commission shall have those powers and duties set forth in this chapter.
- B. Powers and duties of the Planning and Zoning Commission.

1. General. The commission shall prepare and recommend to the Assembly appropriate policies, plans and ordinances for the implementation of the municipal planning and zoning function.

a. Comprehensive Plan. The Planning and Zoning Commission shall develop, adopt and recommend to the Assembly a comprehensive development plan and modifications thereto for the systematic development of the Municipality.

The Assembly may modify or adopt the comprehensive development plan as recommended and developed by the commission. After initial passage, the Assembly on its own initiative, may subsequently modify the plan, provided that it first obtains the review and recommendations of the Commission.

b. Zoning Ordinance. In accordance with the Comprehensive Plan, the Commission shall prepare and recommend to the Assembly a Zoning Ordinance to implement the plan. In accordance with the Comprehensive Plan, the Assembly shall utilize the Zoning Ordinance to regulate and redistrict the use of land and improvements by districts.

(1) Zoning regulations adopted under this authority may include, but are not limited to, restrictions of: land use; building locations; the height and size of structures; the number of stories in buildings; lot coverage; the size of open space; population density and distribution.

(2) Zoning regulations shall be designed for, but not limited to: providing for orderly development; lessening street congestion; fire safety and public order; protecting the public health and general welfare; preventing overcrowding; stimulating systematic development of transportation, water, sewer, schools, parks and other public facilities; and reducing the effect of natural hazards.

(3) The Planning and Zoning Commission shall review all requests for amendments to the zoning regulations and the floodplain regulations, including amendments to the zoning map, and shall make recommendations to the Assembly thereon. No amendment to zoning regula-

tions, the floodplain regulations or the zoning map may be enacted by the Assembly without first being reviewed by the Commission.

(4) The Commission shall review and act upon requests for Conditional Use permits in accordance with the provisions of this Title.

c. Official maps. The Commission shall prepare and recommend to the Assembly an official map of all public streets and other public ways existing and established by law, all plans, streets and street lines approved by the Assembly on the Official Streets and Highways Plan map and all streets and street lines shown on recorded plats of subdivisions. The official map may show the location of planned streets in other ways and may show existing and approved planned public facilities. The placing of any street, street line or public facility upon any map shall not constitute the opening or establishment of same nor the taking or acceptance of land for public purposes. All street locations and subdivision plats subsequently approved shall be placed on the official map. The official map shall be adopted by the Assembly by Ordinance.

d. Review and amendment. The Commission shall prepare and recommend to the Assembly modifications or amendments to the documents specified in this section. The Commission shall publish notice of and hold at least one public hearing before submitting its recommendations.

2. Review of Capital Improvements Program. The Commission shall review annually the Capital Improvements Program of the Municipality and school district. The Capital Improvements Program shall be submitted in a reasonable period in advance of the fiscal year. The Commission shall review programs and submit its recommendations thereon to the Assembly and the School Board.

3. Reports and recommendations on public improvements. The Commission shall investigate and report to the Assembly regarding location, design, demolition or disposition of any public building, facility traffic arterial, parks, greenbelts or playgrounds. All officials and employees of the Municipality are required and all public agencies not a

part of the Municipality are requested to inform the Commission of such improvements for action and to submit all pertinent information within such time as will enable the Commission to make recommendations as to whether the proposed project is consistent with the Comprehensive Plan and established planning principals.

4. Review of departmental work program. The Commission shall review the annual work program of the Municipal Planning Department and make its recommendations to the Mayor. The Planning Director shall submit a proposed annual work program to the Commission for review and recommendation prior to the preparation of the annual budget. (Adopted from GAAB 21.30.120).

21.10.020 Platting Board.

A. Establishment of Municipal Platting Board. There is hereby established a Municipal Platting Board. The duties of the Municipality with respect to the subdivision of lands are hereby vested in the Board.

B. Powers and duties of Platting Board.

1. Scope. The Platting Board has jurisdiction over platting of all land within the Municipality and shall adopt any published rules and regulations to implement this authority. Such rules shall establish standards necessary to ensure safe, healthful and desirable patterns of community development in accordance with the comprehensive development plan. Such regulations may be adopted only after public hearing. Regulations must be adopted by the Assembly in Ordinance form. The scope of the platting jurisdiction includes, but is not limited to, the control of:

- a. form, size and other aspects of subdivisions, dedications and vacations of land;
- b. dimensions of lots or tracts;
- c. street width, arrangement of right-of-ways, including allowance for access to lots and installations of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage or other public utilities, facilities and improvements.

2. Application for plat approval. The Board shall hear and decide applications for plat approval or vacations of dedicated public

areas in accordance with the jurisdiction established herein and with the subdivision regulations.

3. Legislative review. The Platting Board shall review all requests for amendments to the subdivision regulations and shall make recommendations to the Assembly thereon. No amendment to the subdivision regulations may be enacted by the Assembly without first being reviewed by the Platting Board. (Adapted from GAAB 21.10.090, 21.30.130 and .230).

21.10.025 Zoning Board of Examiners and Appeals

A. Establishment of Zoning Board of Examiners and Appeals. There is hereby established the Municipal Zoning Board of Examiners and Appeals. The Board shall have those powers and duties set forth in this chapter.

B. Powers and duties of the Zoning Board of Examiners and Appeals.

1. The Board shall hear and make decisions on all requests for variances from the terms of the zoning regulations (Chapters 21.35 through 21.55). Unless otherwise provided by Ordinance, all decisions of the Board approving variances shall be supported by the required findings of fact which are listed in Section 21.15.010 of this Title.
2. The Board shall hear and make decisions on all authorized appeals from orders or decisions of the administrative official relative to enforcement of the zoning regulations, floodplain regulations and mobile home park regulations and from decisions denying the issuance of permits (excluding Conditional Uses) under the regulations of this Title. (Adapted from GAAB 21.30.250 and .350)

21.10.030 Board of Adjustment.

A. Composition. The Assembly shall act as the Municipal Board of Adjustment. Meetings of the Board of Adjustment may be held at the call of the presiding officer. The presiding officer may administer oaths and compel attendance of witnesses by subpoena issued by the Municipal Clerk. Meetings and hearings of the Board shall be open to the public, and the Board shall keep public records of its proceedings.

B. Powers and duties. The Board shall hear and decide appeals from decisions of the Planning and Zoning Commission regarding applications for Conditional Use and appeals from decisions

of the Platting Board regarding applications for plat approval or vacation of dedications in accordance with procedures established in Chapter 21.30 of this Title. The Board may, in accordance with procedures set forth by Ordinance, delegate its jurisdiction to a committee of the Board or to an appeals examiner. (Adapted from GAAB 21.30.360, .370 and AO 73-76).

21.10.035 Planning and Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals—Composition, Organization and Compensation.

A. Composition, appointment and terms. The Planning and Zoning Commission, Platting Board and Zoning Board of Examiners and Appeals shall each consist of nine members. Members shall be appointed by the Mayor for a term of three years. All appointments to the Boards and Commissions shall be subject to confirmation by the Assembly. Appointments to fill vacancies are for the unexpired term.

B. Organization.

1. officers. A chairman and a vice-chairman shall be selected annually from and by the members. The chairman shall preside over all meetings and shall be authorized to exe-

cute documents approved by the body. The vice-chairman shall so act in the absence of the chairman.

2. secretary. The Director of Community Planning designee shall act as Secretary to the Planning and Zoning Commission and Platting Board. The Public Works Director or his designee shall act as Secretary to the Zoning Board of Examiners and Appeals.

3. legal counsel. The Municipal Attorney shall provide legal counsel to the Boards and Commission.

C. Procedures. The Boards and Commission shall meet as frequently as necessary. They shall establish, subject to approval by the Assembly, rules and regulations for the conduct of these meetings. Meetings shall be public and records shall be kept. Minutes and records shall be filed with the Municipal Clerk and retained as public records.

D. Compensation and expenses. Board and Commission members shall be paid as established by Ordinance. Members may be reimbursed for authorized travel concerning Municipal business. Such travel shall first be approved by the mayor and the presiding officer of the Assembly. (Adopted from GAAB 21.30.030 - .110, .140 - .220, and .260 - .340).

Chapter 21.15

PROCEDURES FOR OBTAINING VARIANCES, CONDITIONAL USES, SUBDIVISION APPROVAL AND OTHER SPECIAL LAND USE PERMITS

Sections:

21.15.010	Procedures for Obtaining Variances.
21.15.020	Procedures for Obtaining a Special Flood Hazard Permit.
21.15.030	Procedures for Obtaining a Conditional Use — Appeal, Conditions Enforcement
21.15.040	Sign Permits.
21.15.050	Land Use Permits Required.
21.15.060	Land Use Permit — Application.
21.15.070	Mobile Home Parks — Annual Permit Required.
21.15.080	Mobile Home Parks — Annual Permit Application.
21.15.090	Mobil Home Park Permit — Continuation of Prior Law.
21.15.100	Procedure for Obtaining Subdivision Plat Approval — Vacations.
21.15.110	Preliminary Plat — Application and Submission Requirements.
21.15.115	Preliminary Plat — Action.
21.15.120	Final Plat — Filing Procedures, Submission Requirements and Conditions.
21.15.125	Abbreviated Plat Procedure.
21.15.130	Vacations.
21.15.133	Street Name Alterations.
21.15.134	Commercial Tract Application and Submission Requirements
21.15.135	Fees.

21.15.010 Procedures For Obtaining Variances

- A. Authorization. A variance from the provisions of the zoning or floodplain regulations (Chapters 21.35 through 21.60) may be granted by the Zoning Board of Examiners and Appeals. A variance from the provisions of the subdivision regulations (Chapters 21.80 and 21.85) may be granted by the Platting Board. Any variance granted shall be the minimum variance that will make possible a reasonable use of the land, building, or structure equivalent to, but not exceeding, the use of similar land or structures permitted generally in the same zoning districts. A variance from the floodplain regulations must be in accordance with Section 21.60.
- B. Application. An application for a variance shall be submitted on a form prepared by the Municipality. A request for variance may be initiated only by the property owner or his authorized representative. The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application meets the following standards:
1. with respect to variances from the zoning regulations:
 - a. special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other land, buildings or structures in the same district; and
 - b. strict interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance; and
 - c. special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and
 - d. granting the variance would be in harmony with the objectives of the Zoning Ordinance and not injurious to the neigh-

borhood or otherwise detrimental to the public welfare; and

- e. granting the variance will not permit a use that is not otherwise permitted in the district in which the property lies; and
 - f. the variance granted is the minimum variance that will make possible a reasonable use of the land, building or structure.
2. with respect to variances to the subdivision regulations:
- a. there are special circumstances or conditions affecting the property such that the strict application of the provisions of the subdivision regulations would clearly be impractical, unreasonable or undesirable to the general public; and
 - b. the granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated; and
 - c. such variance will not have the effect of nullifying the intent and purpose of the subdivision regulations or the Comprehensive Plan of the Municipality; and
 - d. undue hardship would result from strict compliance with specific provisions or requirements of the subdivision regulations. The applicant may supplement the form with supporting documents.
- C. Public hearing. The date shall be set for public hearing on the variance after the application for such is received. Not less than 14 days before the hearing, notice shall be published in a newspaper of general circulation. The property for which the variance is sought shall be posted, and due notice shall be mailed to parties of interest. "Parties of interest" shall be construed to be real property owners of record on the Municipal Assessor's records within a 500-foot periphery of the property for which a variance is sought, or the owners of the nearest 50 parcels of land, whichever is the greater number of parties. When a parcel for which a variance is sought lies within the boundary of an officially recognized community council, the council shall be duly notified at least 14 days before the public hearing.
- D. Standards. Unless otherwise specified by Ordinance, the standards to be applied to the consideration of a variance request shall be as set forth in subsection B hereof.
- E. Approval. The Board empowered to hear the

request for the variance shall conduct an inquiry designed to find whether the standards for issuance of the variance have been met. The Board must make general findings of fact sufficient to support its decision as specified in subsection B hereof. A concurring vote of a majority of the fully constituted membership of the Board shall be required to grant a variance. In granting any variance each Board may prescribe conditions and safeguards to assure conformity with the purpose and intent of all relevant planning and land use ordinances. Violation of any such condition or safeguard when made a part of the terms of the variance shall be deemed an unlawful act and shall act to suspend the effect of the variance. Any variance granted shall become null and void if the variance is not exercised within one year of the date it is granted or if any structure or character of use permitted by variance is moved, altered or discontinued.

- F. Appeal. An appeal from a decision of the Platting Board shall be brought in accordance with Sections 21.30.010—.100. An appeal from a decision of the Zoning Board of Examiners shall be brought in accordance with Section 21.30.-180. (Adapted from GAAB 21.05.080F and 21.10.-010).

21.15.020 Procedures for Obtaining a Special Flood Hazard Permit.

- A. Any use, structure or activity listed in the floodplain regulations as requiring a special flood hazard permit is prohibited until the issuance of such permit. Applications for special flood hazard permits may be made to the official administering the floodplain regulations on forms furnished by the Municipality.
- B. Any application for a special flood hazard permit must contain the following material:
- 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - 2. Elevation in relation to mean sea level to which any structure has been floodproofed;
 - 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 21.60.065(A); and
 - 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- C. Upon receipt of an application for a special flood hazard permit, the official shall transmit

copies of the application, together with pertinent information to interested and affected departments and agencies within the Municipality requesting technical assistance in evaluating the proposed application. The official shall require more detailed information from the applicant where special circumstances necessitate. Such additional information may include:

1. a valley cross-section showing the channel of the stream, elevation of land areas adjoining each site of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;
 2. specifications of proposed construction and materials, flood proofing, filling, dredging, grading, channel improvement, water supply, and sanitary facilities;
 3. a profile showing the slope of the bottom of the channel or flow line of the stream;
 4. a report of soil types and conditions.
- D. Criteria for issuance of flood hazard permits. Permits shall be issued if the application and supporting material demonstrate that:
1. the proposed use or structure poses a minimal increase in probable flood height or velocities caused by encroachment;
 2. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions will not be impaired by flooding;
 3. the susceptibility of the proposed facility and its contents to flood damage is minimal;
 4. there will be adequate access to the property in times of flood for ordinary and emergency vehicles;
 5. the proposed use, structure or activity is in conformance with all applicable land use regulations;
 6. all necessary flood proofing will be provided.
- E. Time for acting on application. The official shall act on an application in the manner described above within 30 days from receiving the application, except that where additional information is required the official shall act within 30 days of the receipt of such additional requested information.
- F. Notice of Flood Hazard District. Where any portion of the subdivision is situated within the Flood Hazard District a note shall be placed on the plat which reads:

Portions of this subdivision are situated within the Flood Hazard District as it exists on the date hereof. The boundaries of the Flood Hazard District may be altered from time to time in accordance with the provisions of AMC §21.60.020. All construction activities and any land use within the Flood Hazard District shall conform to the requirements of AMC Chapter 21.60.

- G. Appeal. An appeal from a decision of an administrative official regarding a flood hazard permit shall be brought in accordance with Sections 21.30.110 - .160. (Adapted from OR 75-111 am AO 79-169.)

21.15.030 Procedures for Obtaining a Conditional Use — Appeal, Conditions, Enforcement.

- A. Authorization. The Planning and Zoning Commission may, in its sound discretion, grant a Conditional Use permit for those uses or structures specified within the "Conditional Use" paragraph of the district regulations for each zoning district in accordance with the Comprehensive Plan and subject to the standards provided by Ordinance.
- B. Pre-application conference (for PUD only). Before an application for a Conditional Use for a Planned Unit Development may be submitted, the prospective applicant shall meet with the staff of the Municipal Department of Community Planning to review the proposed project.

At the pre-application conference, the staff shall review the development proposal and shall advise the prospective applicant concerning the compatibility of the proposal with the intent and standards of this chapter.

Within seven days from the date of the pre-application conference, the staff shall furnish the prospective applicant with comments and recommendations in writing to inform and assist the applicant in meeting the intent and standards of this title.

The Director of Community Planning may promulgate regulations pertaining to pre-application conferences for other Conditional Uses.

- C. Application. An application for any Conditional Use may be made by a property owner, his attorney-in-fact, a lessee, contract purchaser, or government agency.
1. Within 30 days after receiving an application, the Department of Community Planning shall schedule a post-application con-

ference with the applicant. The post-application conference shall afford the applicant an opportunity to meet with representatives of other affected Municipal departments. The affected Municipal departments shall have reviewed the application prior to the post-application conference, and at the conference shall advise the applicant as to the acceptability of the application and any changes in the application necessary to render it acceptable.

2. In order to determine the possible acceptability of a proposed Conditional Use, application may be made for concept approval. At the option of the applicant, concept approval may be avoided and the proposed Conditional Use may be submitted for final approval. The fee for an application for concept approval shall be the same as and in addition to that charged for a final approval of a Conditional Use.
3. A date shall be set for public hearing. Notice of public hearing on the proposed Conditional Use shall be published 14 days prior to the hearing in any newspaper of general circulation within the Municipality. The notice shall indicate the time and place of a public hearing, and shall include an appropriate description of the proposed Conditional Use and a statement that the proposed development may include land uses or structures not otherwise allowed in the zoning district.

The Director of Community Planning shall cause a sign or signs to be erected on the property at least 14 days prior to the public hearing indicating the nature of the proposed conditional use, identifying the property and stating the date, time and place of public hearing.

In addition to the notices indicated above, due notice shall be mailed to parties of interest at least 14 days before the public hearing. "Parties of interest" shall be construed to be real property owners of record on the Municipal Assessor's record within a 500-foot periphery of the area proposed for the Conditional Use or the owners of the nearest 50 parcels of land, whichever is the greater number of parties.

When a proposed Conditional Use lies within the boundary of an officially recognized community council, the community council shall be duly notified at least 14 days before the public hearing.

D. Concept approval — submission requirements.

1. written documents.
 - a. a legal description of the total site proposed for development, including a statement of present ownership and zoning of the proposed site;
 - b. a statement of planning objectives to be achieved by the Conditional Use, including a description of the character of the proposed development and an explanation of the factors that determine the particular scheme proposed;
 - c. a development schedule indicating the approximate dates in which construction or phases of construction will begin and the dates in which construction phases will be completed;
 - d. a statement of intent as to final ownership of the project, including any plans for rental, sale or combinations thereof;
 - e. such other information as may be specified under applicable standards for Conditional Uses set forth in the zoning regulations;
 - f. such other information as may be deemed necessary by the Planning Commission or Department of Community Planning staff or such information as the applicant may wish to submit;
 - g. an application for a Planned Unit Development shall, in addition, be accompanied by information regarding number and types of structures, approximate gross and net residential densities, amount of private open space, amount of proposed uses not otherwise permitted in the zoning district, the types of dwelling units proposed.
2. site plan and supporting maps.
 - a. vicinity maps showing the proposed development in relation to the surrounding development and major streets and utilities;
 - b. existing site conditions, including topographical maps showing contours at least every 10 feet;
 - c. generalized land use map showing location and types of all proposed uses and structures and height and bulk of all proposed buildings;
 - d. existing and proposed vehicular circula-

tion system, including parking areas, storage areas, service areas, loading areas and major points of access, including street width and right-of-way;

- e. proposed pedestrian circulation system, if any, and its relation to outside circulation;
 - f. such other information as may be specified under applicable standards for Conditional Uses set forth in the zoning regulations;
 - g. an application for a Planned Unit Development shall include the location and arrangement of all open space, common recreational space, private open space, pedestrian ways and preliminary landscape treatment
3. "Conservation" wetlands.

For a conditional use proposed in a wetland designated "conservation" under the Anchorage Wetland Management Plan, in addition to the items required by paragraphs D (1) and D(2), the following shall also be required:

- a. representative soil borings in sufficient quantity and depth to characterize the underlying strata;
- b. hydrologic information specifying the quality, amount and direction of flow of surface and subsurface water. Also included shall be information on the drainage impacts of this development on adjacent property;
- c. vegetation information indicating the distribution of wetland, coniferous, and deciduous species;
- d. habitat information on the type, number, and species of animals according to standard sampling techniques.

E. Final approval—submission requirements.

1. written documents.

- a. All information listed as written documents necessary for concept approval. An application for a Planned Unit Development shall include the number of bedrooms proposed for each type of dwelling unit;
- b. If the Planning Commission finds that the proposed development is of such magnitude or location that its effect on natural or artificial features of the sur-

rounding area may be substantial, the Commission may require any or all of the following analyses. The Commission may require that particular analyses be prepared and signed by persons with specific expertise and credentials required to make such analyses. These analyses may include but are not limited to:

- (1) an analysis of the holding capacity of the land within the proposed development and the impact of the proposed development on the natural environment;
- (2) a detailed soil test report;
- (3) a traffic impact report;
- (4) an economic impact report;
- (5) an air quality impact report;
- (6) a noise impact report.

2. site plans and supporting maps.

- a. all information listed as plans and maps necessary for concept approval;
- b. a detailed site plan showing the exact location of all buildings and structures on the site, access points, vehicular and pedestrian circulation, parking and a special layout of the uses proposed within the development.

F. Approval.

- 1. Concept approval and final approval for a Conditional Use shall be granted only by resolution of the Planning Commission. The resolution must specify that the approval is subject to compliance with all standards for Conditional Uses, the site plan and any additional conditions which may be a part of the approval.
- 2. Concept approval shall act only as an approval of the general types of uses proposed. Concept approval shall not operate as an approval of precise design, site plan or intensity of use. Concept approval for a planned unit development shall not operate as approval or precise densities, heights or locations of residential, commercial or industrial uses.
- 3. Before final approval is granted, the Commission may require modifications of the site plan and add or delete conditions of approval.

4. The Commission may approve minor revisions to a PUD site plan following final approval without a public hearing. The Commission may approve major revisions to a PUD site plan only after holding a public hearing in the same manner as for the initial application.
 5. Requests for final approval must be made in writing to the Commission within 18 months after the date of the resolution granting concept approval. If no such request is received within 18 months, unless otherwise specified by the Commission, concept approval shall be deemed expired.
 6. A resolution granting final approval may be adopted only if it includes the following findings:
 - a. that the proposed construction and use of the Conditional Use will not be detrimental to the general welfare of the community;
 - b. that the Conditional Use meets the standard for the proposed use set forth in Chapter 21.50 and any regulations governing the use promulgated under this Title;
 - c. that there are adequate existing sewage capacity, transportation facilities, energy supply and water supply to serve the proposed Conditional Use;
 - d. that the Conditional Use conforms to the intent of the zoning regulations;
 - e. that the use or uses proposed are appropriate to the character of the area in which the project will be located;
 - f. that the development will not have a substantial negative aesthetic effect on the locale of the project;
 - g. that the Conditional Use is in accordance with the Comprehensive Plan;
 - h. that the proposed use will not subject surrounding properties and pedestrians to hazardous traffic conditions.
- G. Conditions. Final approval may be granted subject to compliance with such conditions as the Commission may require. Such conditions as are required by Ordinance and such other conditions as the Commission finds necessary shall be made a part of the terms under which the Conditional Use is granted, and violations of such terms shall be deemed a violation of this title. The Commission may require any or all such conditions to be included as covenants, conditions or restrictions in any subsequent conveyances of the subject property. Such covenants, conditions and restrictions must be recorded with the District Recorder.
- H. Time limitations. Final approval of a Conditional Use shall specify both commencement and completion dates for the proposed development. Conditional Uses for temporary or interim uses shall terminate in three years, provided that two-year extensions may be granted by the Commission following a public hearing on the matter. The Commission may grant extensions for good cause only. Failure to comply with a specific completion date or extended dates shall operate as a revocation of final approval and shall subject the owner and developer to civil and criminal penalties.
 - I. Enforcement.
 1. In granting final approval for a Conditional Use, the Commission shall require adequate guarantees of compliance with all conditions of approval and the standards of this title. Such guarantees may include, but are not limited to, performance bonds, lien agreements or escrow deposits in an amount sufficient to ensure compliance.
 2. The development of a Conditional Use, project or site following final approval shall be in accordance with the resolution of approval, all standards of the zoning regulations (Chapter 21.50) and the approved site plan. Failure to observe such conditions or standards shall be deemed a violation of the zoning regulations.
 - J. Platting for Conditional Uses.
 1. A plat must be submitted and approved in conjunction with final approval of any Conditional Use where the proposed development will result in a subdivision as defined in this title.
 2. Either the Platting Officer of the Planning Commission shall be the platting authority for plats required under this subsection. The Platting Officer shall be the platting authority unless the Planning Commission orders in its final approval of the Conditional Use that the Planning Commission shall act as the platting authority therefor, or unless the Conditional Use applicant requests in writing prior to the granting of final approval that the Planning Commission act as the platting authority therefor. Plats required under this subsection shall be reviewed under the abbreviated platting procedure in Section 21.15.125.

3. The Planning Commission may require that all or part of any utility corridor, roadway, walkway, bicycle way, park, playground or other public area shown on a planned unit development site plan be dedicated for public use. The Planning Commission shall identify on the site plan any areas which it required to be so dedicated.

- K. Appeal. An appeal from a decision of the Planning and Zoning Commission regarding an application for a Conditional Use shall be brought in accordance with Sections 21.30.010—.100. (Adapted from GAAB 21.05.080 and .060).

21.15.040 Sign Permits

Procedures for obtaining a sign permit shall be as set forth in Chapter 3 of the Uniform Sign Code. (Adapted from GAAB 21.05.060).

21.15.050 Land Use Permits Required.

A land use permit shall be required for any construction of a building of 100 square feet or more in area or for any excavation exceeding a total of 300 cubic feet on any lot or tract, if the construction or excavation is not subject to the requirements of the Uniform Building Code. (AO 81-97) and GAAB 21.-05.080).

21.15.060 Land Use Permit — Application

- A. Application for a land use permit shall be made in writing upon forms furnished by the building official. Such application shall contain the legal description and the dimensions of the property, the proposed use of the building or structure, the name and address of the land owner and the zoning of the property.
- B. With each application the building official shall require the filing of a scaled site plan and other pertinent information as may be necessary to assure compliance with the regulations of this Title.
- C. No permit issued hereunder may be assigned or transferred. The land use permit shall expire in 180 days if actual construction has not commenced on the site before that time. A permit may be considered abandoned if no substantial progress toward completion occurs in any one year period after construction begins. (AO 81-97 and GAAB 21.05.080).

21.15.070 Mobile Home Parks — Annual Permit Required.

No person may construct, operate or maintain a mobile home park within the Municipality of Anchor-

age without first obtaining an annual permit in accordance with this chapter. (Adapted from CAC 6.60.020 and GAAB 21.20.040 and .050).

21.15.080 Mobile Home Parks — Annual Permit Application

- A. Initial permit. An application for an annual mobile home park permit shall be submitted to the building official or his designee on a form provided by the Municipality. The application form shall be accompanied by a site plan drawn to scale showing the following:
 1. a specific layout of mobile home spaces setting forth the dimensions of each space;
 2. a depiction of all permanent buildings and structures, including a description of the purpose or function of each such building;
 3. a specific layout of all streets, access points, and parking areas;
 4. a depiction of all storage and recreational areas including common open space, and landscaping features;
 5. a specific utility layout indicating the location of all sewer, water, gas, electrical and telephone utility placement;
 6. such other information as may be required by the building official as reasonably necessary for the enforcement of this title.
- B. Renewal permit. The building official may waive those submission requirements listed above which are found to be unnecessary for the renewal of an existing permit.
- C. Fees. The application shall be accompanied by a fee established by the Assembly by resolution.
- D. Transferability. Mobile home park permits may be transferred to a new owner or operator if and only if the building official is notified of such intent to transfer and is supplied with the name and address of the new owner or operator. (Adapted from CAC 6.60.020 and GAAB 21.20.050, 060 and new).

21.15.090 Mobile Home Park Permit — Continuation of Prior Law.

The annual mobile home park permit required by this chapter is a continuation of the requirements of former City of Anchorage Code Section 6.60.010 et seq. and former GAAB 21.20.010 et. seq. Any permit issued under the authority of those sections shall remain in effect until the expiration date provided under the terms of issuance of such permit. Follow-

ing the expiration of such prior permits, initial applications or renewal applications shall be processed in accordance with this chapter. (new).

21.15.100 Procedure for Obtaining Subdivision Plat Approval—Vacations.

A. Authorization. The Platting Authority shall review all subdivisions of land within the Municipality in accordance with the procedures set forth in this chapter and the standards and requirements set forth in Chapters 21.75 through 21.87.

B. Public hearing and notification.

1. Public hearing. The Platting Authority shall hold a public hearing prior to taking any action on:

- a. an application for vacation;
- b. an application for a preliminary plat except for an application under the abbreviated plat procedures;
- c. an application for final plat when the final plat differs from the preliminary plat;
- d. the modification or removal of a condition of approval;
- e. the granting of exemptions under Section 21.75.025;
- f. requests for variances.

2. Notification. Notices required by this chapter shall include the date, time and location of the hearing where the proposed subdivision or vacation will be discussed as well as the description of the property being platted and the names of the parties filing the preliminary plat. The following notices shall be given:

- a. Vacations. When vacating any street, alley, public thoroughfare or easement, or utility easement, or any part thereof, a notice shall be published at least 14 days prior to the public hearing in a newspaper of general circulation. In addition, property owners of record, within 500 feet of the boundaries of property receiving benefit from the vacation or the owners of the nearest 50 tax parcels of land, whichever contacts the larger number of parties, shall be sent notice by mail at least 14 days prior to the public hearing.

Plats. For subdivisions, resubdivisions or other alterations of previously record-

ed boundaries, a notice shall be published at least 14 days prior to the public hearing in a newspaper of general circulation. In addition, property owners of record within 500 feet of the boundaries of the proposed plat or the owners of the nearest 50 tax parcels of land, whichever contacts the largest number of parties, shall be sent notice by mail at least 14 days prior to the public hearing.

b. The abbreviated plat process shall require that a description of the property being platted and the names of the parties filing the preliminary plat be advertised in a newspaper of general circulation, at least 14 days prior to the date the Platting Officer is to take action.

c. When a proposed subdivision, resubdivision or vacation lies within the boundaries of a community council recognized by the Assembly, the community council shall be duly notified at least 14 days before the public hearing.

d. Notification provisions regarding variances are set forth in Section 21.15.010 of this chapter.

e. Notification provision regarding street name alterations are set forth in §21.15.133.

C. Preliminary plat — pre-application. A pre-application shall be required for all proposed subdivisions, provided, however, that this requirement may be waived by the Platting Officer if, in his judgment, the filing of the pre-application would not fulfill the purpose of the subdivision regulations. The pre-application shall include all the land under contiguous ownership unless separate legal descriptions exist as a matter of record, regardless of whether all the land is intended for immediate development.

1. Purpose

a. to provide the Platting Officer and affected agencies with general information concerning the proposed development, such information not normally being part of the requirements for the preliminary plat;

b. to provide guidelines for the subdivider concerning development policies of the Municipality;

c. to acquaint the subdivider with the platting procedures and requirements of the municipality.

2. Requirements. The pre-application shall include the following (these materials may be submitted in graphic and/or written form):

- a. a plan of the entire development drawn to scale;
- b. existing conditions and characteristics of the land and within 300 feet of the boundaries of the site;
- c. the area proposed or required to be set aside for schools, parks or other community facilities;
- d. floodplain areas;
- e. a statement of the intended use of the property.

3. Procedure.

- a. The developer shall submit three copies of the plat and any other related materials to the Platting Officer at least 15 days prior to the submission of the preliminary plat. The Platting Officer may also request the copies of the plan be submitted to other agencies for review, where, in his opinion, it would be helpful to his or the platting authority's review of the subdivision or when it may be beneficial to the subdivider. If the developer insists on submitting a preliminary plat rather than a pre-application, the Platting Officer shall place the preliminary plat on the agenda of the Platting Authority;
- b. The Platting Officer will review the plan with the subdivider or his agent;
- c. The Platting Officer shall inform the subdivider or his agent of the Municipality's development policies;
- d. Approval of the plan by the Platting Officer does not assure approval of the preliminary plat by the Platting Authority. (Adapted from GAAB 21.10.030A).

21.15.110 Preliminary Plat — Application and Submission Requirements.

A. Unless waived by the Platting Authority, the preliminary plat shall include all land under contiguous ownership unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary

and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the platting authority.

B. In submitting a preliminary plat application, the subdivider shall file the following items with the Department of Community Planning at least 30 days prior to the regular meeting of the platting authority at which the plat is to be considered:

1. a written application on forms provided by the Department of Community Planning;
2. the application fee;
3. 30 copies of the preliminary plat drawn to scale approved by the Platting Officer and on paper of one of the following sizes with each sheet being the same size: 18 by 24 inches, 24 by 36 inches, or 31½ by 34 inches. The preliminary plat application shall include the following information:

- a. date, scale and north arrow;
- b. the approximate acreage, dimensions, and size of each lot of the proposed subdivision and the number of lots contained therein;
- c. name of proposed subdivision;
- d. the existing zoning classification of the plat and adjacent properties;
- e. names and addresses of subdivider(s) and the surveyor preparing the plat;
- f. location map of the subdivision, giving the number of the section, township and range to which reference may be made;
- g. a property and topographic survey map of the proposed plat areas including:
 - (1) the location of all property lines;
 - (2) contour lines at intervals of two feet for any portion of the proposed subdivision within the floodplain of any stream, five feet outside floodplain areas if the slope is less than 10%, and intervals of 10 feet if the slope is greater than 10%, provided, however, that the platting officer may waive this requirement;
 - (3) preliminary horizontal location of streets, water, sanitary and storm sewers and other public improvements containing enough information and detail to enable the platting authority to make a preliminary determination as to conformance

- with applicable Municipal and State of Alaska standards and regulations;
- (4) the general location of streams, lakes, swamps and drainage courses, including the location of floodplain areas as defined in Section 21.75.035B. These features shall be located to an accuracy great enough to allow the Platting Officer and the Platting Authority to make an intelligent appraisal of the proposed subdivision'
- (5) dedicated rights-of-way, patent reserves, road easements and reservations, including section line easements and other constructed roadways located within and abutting the area to be platted, including right-of-way widths;
- (6) adjacent property lines shall be shown with a dashed line to show their general relation to the proposed plat;
- (7) the location of known existing facilities and structures within the proposed subdivision, such as buildings, sewage system, utility easements of record or in use, excavations, bridges, culverts, water systems and wells;
- (8) existing vegetative cover, showing major stands of trees and description thereof.
- (9) The location and nature of areas within any area zoned R-10 (Residential Alpine/Slope) susceptible to land slide, mud and earth flow, talus development, soil creep, solifluction or rock glaciation, avalanche chutes or run-outs, wind blasts and high velocity winds. (AO 81-97).
- h. streets, street names, public and private right-of-way and roadway widths and other right-of-way easements within the plat showing location, width and purpose;
- i. line of "mean high tide" on all lands affected by tidal action;
- j. lot lines and the total number of lots by block;
- k. designation of proposed parks, playgrounds, schools, other public uses and wetland designated for preservation.
- l. one copy of the plat of record or the district recorder plat number if available;
- m. the base flood elevation, in accordance with Chapter 21.60.
- 4. The subdivider shall submit supporting written information including:
 - a. a certificate to plat showing the legal and equitable owners (including mortgagee, contract purchasers and fee owners) of the land to the platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property;
 - b. all plans, data and engineering reports required by the Department of Health and Environmental Protection to substantiate the availability of a safe and adequate volume of water for domestic purposes and the capability of the proposed subdivision to adequately dispose of all waterborne domestic wastes. In all cases where individual on-site sewage disposal and water supplies are proposed, the required subdivision plans for sewage disposal and treatment shall contain, but shall not be limited to, the following information:
 - (1) location of representative test sites for water sources within or adjoining the proposed subdivision;
 - (2) representative chemical and bacteriological testing of water sources to assure that drinking water quality standards are satisfied;
 - (3) potential locations for any future community water or sewage systems;
 - (4) representative soil borings to a depth of sixteen feet and percolation tests shall be performed as required under Chapter 15.65 of this code; applications for subdivisions in the R-10 (Residential Alpine/Slope) district shall include, in particular, borings in sufficient quantities to assure a sufficient designated reserved area suitable for on-site sewage disposal, well and home site. (AO 81-97).
 - (5) the location of existing water sources, on-site disposal systems, sew-

age systems, treatment works and bodies of water within 200 feet of the proposed subdivision;

- (6) a lot diagram showing the location of on-site water sources and sewage disposal systems in relation to the water sources and sewage disposal systems on adjacent lots including showing the area of influence of the sewage disposal system including both initial and replacement of soil absorption systems;
- (7) a statement concerning responsibility for operation and maintenance of the water supply or sewage disposal facilities in the proposed subdivision;
- (8) the Department of Health and Environmental Protection may adopt administrative regulations setting forth guidelines pertaining to design, engineering reports, plans and specifications, and professional endorsement or certification of such designs and reports.

c. a soils report, prepared by a professional engineer, geologist or other person with demonstrated training in soils mechanics may be required when deemed necessary by the Platting Officer. Such report should describe the soil conditions using the Unified Soil Classification System and identify foundation and grading problems associated with the soil, ground water and/or ground ice conditions. The report should provide soils engineering guidelines for development including recommendations for subsurface drainage and excavation of unsuitable materials, if appropriate;

d. if proposed, copies of protective covenants, deed restrictions, and/or home association bylaws affecting the proposed subdivision;

e. if the preliminary plat is to be finalized in portions or phases, a statement indicating the reasons for the phasing and a description of each phase shall be submitted. (Adapted from GAAB 21.10.30B, am AO 78-50).

C. For areas, if any, determined by the Corps of Engineers to require individual permitting within a subdivision proposed in a wetland designated "conservation" under the Anchorage Wetlands

Management Plan, in addition to the items required by subsection B, the following shall also be required: whenever and to the extent that the Municipality lacks data showing:

1. representative soil borings in sufficient quality and depth to characterize the underlying strata;
2. hydrologic information specifying the quality, amount and direction of flow of surface and subsurface water. Also included shall be information on the drainage impacts of this development on adjacent property;
3. vegetative information indicating the distribution of wetland, coniferous, and deciduous species;
4. habitat information on the type, number, and species of animals according to standard sampling techniques.

Each agency of the Municipality shall provide access to relevant studies which may be within its custody or possession from time to time, to subdivision owners or their agents, upon request therefor, or to other interest members of the public provided such information is not confidential under the provision of AMC 3.90.040. (AO 82-335).

21.15.115 Preliminary Plat — Action.

A. The Platting Officer, together with appropriate governmental agencies, shall review the submitted preliminary subdivision plat for completeness. If the plat does not meet the requirements of these regulations, the Platting Officer shall notify the subdivider and engineer by letter, stating the additional information required. If, after 10 days, exclusive of Saturdays, Sundays and official holidays, the additional information is not submitted, the platting officer shall notify the subdivider and the surveyor the preliminary plat has been disqualified due to noncompliance with these regulations. A preliminary plat disqualified by the platting officer shall be deemed to have been acted upon by the platting authority.

B. The Platting Authority shall take action on the preliminary plat within 60 days after the submission date, or shall return the plat to the applicant for modification or correction. The reason(s) for disapproval of a plat shall be stated upon the records of the Platting Authority.

C. Approval period and time extensions.

1. The approval of the preliminary plat shall be effective for 18 months from the date of

approval, notwithstanding the provisions of any subsequent change in the subdivision regulations, zoning regulations or zoning districts.

2. The preliminary plat shall become null and void after the 18-month approval period unless an extension of time is granted by the platting authority. A request for a time extension must be made in writing by the subdivider. The extension request must be received by the platting officer prior to the expiration of the preliminary plat to be eligible for consideration by the platting authority.
3. Such a time extension will only be granted if a re-evaluation of the preliminary plat indicates that conditions are substantially the same as when the preliminary plat was originally approved.
4. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original 18-month approval period. Such an extension may only be granted by the platting authority in accordance with the above procedures.

D. All decisions as to approval or disapproval of a preliminary plat by the Platting Authority shall be final unless appealed as provided by Ordinance.

E. A preliminary plat which has been denied by the Platting Authority shall not be accepted for rehearing for a period of one year following such denial if the Platting Officer feels that the proposed plat being resubmitted is essentially the same as that denied by the Platting Authority, or if no substantially new evidence or change in circumstances has occurred. If the developer insists on submitting a preliminary plat against the advice of the Platting Officer, the preliminary plat shall be placed on the agenda of the Platting Authority with a recommendation for disapproval. (Adapted from GAAB 21.10.030B)

21.15.120 Final Plat — Filing Procedures, Submission Requirements and Conditions.

- A. Procedure when final plat corresponds to preliminary plat as approved.
 1. A hearing on the final plat shall not be required when such plat essentially conforms to the preliminary plat approved by the Platting Authority. The final plat shall, in addition, meet all conditions imposed by the Authority in approving the preliminary plat.

2. The final plat map shall constitute only that portion of the approved preliminary plat which is proposed to be recorded and developed at the time. If only a portion of the approved preliminary plat is proposed for final plat approval, such portions shall conform to all requirements of the subdivision regulations.

3. The steps outlined below shall be followed in the final plat:

- a. A written statement shall be obtained from the Platting Officer stating that the final plat being proposed is essentially the same in its physical configuration as the preliminary plat approved by the Platting Authority.

- b. The final plat shall be submitted to the Department of Public Works for final checking and inspection before final approval is given. If requested, a subdivision survey shall be submitted to the Public Works Department with a complete set of field and computation notes showing the original or reestablished corners of the plat and of lots within the plat. Traverse sheets and work sheets showing the closure within the allowable limits of error of the exterior boundaries of each irregular block and lot of the subdivision may also be required. Final approval by the Department of Public Works shall be indicated by a statement appearing on the plat.

- c. After approval of the Department of Public Works, the final plat shall be submitted to the Department of Community Planning for examination as to compliance with all terms of the preliminary plat as approved by the Platting Authority. If all conditions have been met, a statement to that effect, appearing on the final plat, shall be signed by the chairman of the Platting Authority or his representative. The final plat shall not be signed until the documents described in subsection A.4 below have been received.

4. Final approval by the Platting Authority shall be dependent upon receipt of the following material:

- a. a statement from the Department of Health and Environmental Protection stating that all conditions imposed by the department on the preliminary plat and approved by the Platting Authority

have been met. This approval by the Department of Health and Environmental Protection shall not affect any subsequent requirements relating to sewage disposal and water supply as they apply to any lots within the plat;

- b. a certificate from the Tax Collecting Official or a note on the face of the plat stating that all Municipal real property taxes levied against the property are paid in full; or, if approval is sought between January 1 and the tax due date, that there is on deposit with the Chief Fiscal Officer an amount sufficient to pay estimated real property tax for the current year;
- c. a certificate to plat showing the legal and equitable owners (including mortgagee, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, covenants, dead restrictions and easements of record which may condition the use of the property.

B. Procedure when final plat differs from preliminary plat.

1. The subdivider shall submit to the Platting Officer all information required under Section 21.15.110 for the preliminary plat. Such application shall be submitted at least 30 days prior to the regular Platting Authority meeting at which he desires to have his plat place on the agenda.
2. The Platting Authority shall take action on the final plat within 60 days after all required materials have been submitted to be heard, or shall return the plat to the applicant for modification or correction. The reasons for disapproval of a plat shall be stated upon the records of the Platting Authority.
3. If approved by the Platting Authority, subsections A, C and D shall then be followed in their entirety.
4. All decisions as to approval or disapproval of a final plat by the Platting Authority as submitted under this section shall be final unless appealed as provided by Ordinance.

C. Requirements of final plat.

1. The final plat shall be clearly and legibly delineated upon tracing cloth of good quality or on a good quality polyester film (equal to DuPont mylar) .003-inch thick matte both sides or a direct positive photographic

reproducible polyester .003-inch thick matte both sides. Diazo process reproducible on polyester film or cloth is not acceptable. All lines, letters, figures, certificates, acknowledgements and signatures shall be made in black waterproof, acetate ink of good quality (Pelikan T or equal) except that affidavits, certificates and acknowledgements may be stamped or printed upon the plat with black nonsmearing opaque ink. The plat shall be to a scale of one inch to 100 feet, provided, however, that the Platting Officer may authorize a scale of one inch to 200 feet upon receipt of a written request for such authorization. The map or maps shall be 18 by 24 inches, 24 by 36 inches, or 31½ by 34 inches, provided that if more than one sheet is required to cover the plat, each sheet shall be of the same size. The map shall show all existing monuments, courses and distances necessary to restake any portion of the plat.

2. The allowable error of closure shall not exceed one foot in 10,000 feet in the urban area, one foot in 7,500 feet in the suburban area and one foot in 5,000 feet in all remaining areas of the Municipality.
3. The map shall be an accurate drawing based upon as detailed a survey as is necessary in order to properly orient the plat. The map shall show the following:
 - a. the boundaries of the plat showing clearly what stakes, monuments or other evidence were found on the ground to determine the boundaries of the tract. If existing, the corner of adjoining subdivisions or portions thereof shall be identified and ties shown;
 - b. bearings and distances to the nearest established street lines, section lines or official monuments which are necessary in accurately describing the location of the plat. Whenever the Municipality has established the centerline of a street or alley, such data shall be considered in making the surveys and preparing the final plat. All monuments found shall be indicated and proper references made to available field books or maps, either private or of public record, which relate to monuments. If the points were reset by ties, that fact shall be stated;
 - c. Within the subdivision, the final plat shall show the centerlines of all streets, lengths, tangents, radii and central angles of all curves, the total width of each street, the width of the portion

being dedicated and the width of the existing dedications, the width of portions of streets each side of the centerline; also, the width of rights-of-way of railroads, patent reserves, section line easements, flood control or drainage channels, and any other easements appearing on the plat. All lot lines should be radial to a curve and if not, shall be called "not radial." Dimensions shall be in feet, and hundredths of a foot.

- d. The final plat shall show the width, bearing and other necessary data to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement referring to the easement shall appear on the title sheet. Easements for storm drains, sewers and other purposes shall be denoted by broken lines. If an easement is not parallel to and adjacent to the lot lines, distances and bearings on the sidelines of the lots which are cut by the easements shall be shown as to indicate clearly the actual length of the lot line from the lot corners to the easement. Easements being dedicated shall be so indicated in the certificate of dedication.
 - e. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and length of each line. No ditto marks shall be used.
 - f. The names of adjacent subdivisions and the lot numbers of adjacent lots. If the adjacent land is not subdivided, it should be so indicated.
 - g. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the map.
 - h. All lots, blocks or tracts affected by the floodplain regulations adopted by the Municipality shall be noted on the face of the plat. Such notation may be a written statement, stating the affected lots, blocks and tract by legal description and the report and date of the report used to make the determination of the floodplain.
 - i. The names of all streets within and peripheral to the subdivision, as approved by the Municipality.
4. Where a dedication of land to the public is

proposed in the plat, the final plat shall bear a statement of ownership and dedication as follows:

I (we), hereby certify that I (we) hold the herein specified property interest in the property described hereon. I (we) hereby dedicate to the Municipality of Anchorage all areas depicted for use as public utility easements, streets, alleys, thoroughfares, parks, and other public areas shown hereon. There shall be reserved adjacent to the dedicated streets shown hereon a slope reservation easement sufficient to contain cut and fill slopes of 1.5 feet horizontal for each 1 foot vertical (1.5 to 1) of cut or fill for the purpose of providing and maintaining the lateral support of the constructed streets. There is reserved to the grantors, their heirs, successors and assigns, the right to use such areas at any time upon providing and maintaining other adequate lateral support, as approved by the Municipality.

I (we) hereby agree to this plat, and to any restriction or covenant appearing hereon and any such restriction or covenant shall be binding and enforceable against present and successive owners of this subdivided property.

Where no dedication of land is proposed the above statement shall be replaced by a statement of ownership as follows:

I (we) hereby certify that I (we) hold the herein specified property interest in the property shown and described hereon. There shall be reserved adjacent to the streets shown hereon a slope reservation easement sufficient to contain cut and fill slopes of 1.5 feet horizontal for each 1 foot vertical (1.5 to 1) of cut and fill for the purpose of providing and maintaining the lateral support of the constructed street. There is reserved to the grantors, their heirs, successors and assigns, the right to use such areas at any time upon providing and maintaining other adequate lateral support, as approved by the Municipality.

I (we) hereby agree to this plat, and to any restriction or covenant appearing hereon and any such restriction or covenant shall be binding and enforceable against present and successive owners of this subdivided property.

This certificate must be signed by all record owners including all parties holding any recorded equitable or beneficial interest in the land being platted or dedicated. The certificate shall be signed before the Municipal Clerk or a Notary Public. Proof that all parties of real interest are included shall be established by either an abstract of title prepared by an attorney, certified to the date of filing, or by a certificate to plat prepared by a title insurance company authorized under the laws of the State of Alaska.

In some cases, it may be desirable that access from certain lots or parcels be denied to certain roads or other rights-of-way. In such cases, the statement outlined above shall be followed by one which reads substantially as follows:

Said dedication to the public shall in no way be construed as a permit for access to _____ street(s) from lot(s) _____ .

5. Rights-of-way not dedicated to the public must be clearly marked as not dedicated on the face of the plat.
6. The plat to be filed shall contain a certificate of the land surveyor who prepared the plat in the language which follows:

I, _____ , professional land surveyors, do hereby certify that the plat of _____ is a true and correct representation of lands actually surveyed and that the distances and bearings are shown correctly and that all permanent exterior control monuments, all other monuments, and lot corners have been set and staked, or final completion is assured by subdivision agreement, they will be set as specified in said subdivision agreement. Lot corners to be set by _____ (date) . Monuments to be set by _____ (date) .
7. Official seals of the attesting officers and of the land surveyor who prepared the plat shall be placed on the final tracing.
8. A statement, assigned by the Director of the Department of Public Works, or by a registered professional land surveyor acting on his behalf, shall be required. Such a statement shall approve the survey data.
9. A statement, signed by the Chairman of the Platting Authority, as described in subsection A.
10. The plat to be filed shall contain a statement

signed by the Mayor and the Clerk, stating that the Municipality accepts for public use and for public purposes all real property dedicated on the plat.

11. Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously marked by the title, "The purpose of this plat is a reversion to acreage."
- D. Subdivision agreements and cost estimates. All final plats requiring public improvements except those requiring monumentation only shall be accompanied by a subdivision agreement between the subdivider and the Municipality and an engineer's estimate of the cost of all required public improvements. Requirements for such an agreement are further described in the subdivision regulations.
 - E. Notes, restrictions and covenants. The Platting Authority may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with the subdivision regulations. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the Municipality and the public and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the Municipality or by any specifically affected member of the public. (AO 16-76, am AO 78-50, AO 78-187).

21.15.125 Abbreviated Plat Procedure.

- A. Authorization. The abbreviated plat procedure may be used in those instances where the subdivision or resubdivision is of a simple nature and meets the specific requirements of this section. Agencies of the Municipal, State, and Federal Government are prohibited from using this procedure.
- B. Eligible preliminary plats:
 1. A movement or elimination of lot lines that does not:
 - a. result in an increase in the permitted density of residential units within the area being subdivided or resubdivided;
 - b. allow a change in the permitted use to which the lot or tract may be devoted under existing zoning;
 - c. deny adequate access to and from all

lots or tracts created by the subdivision or those adjacent to it.

2. The simple subdivision of a single tract, parcel or lot into two tracts or lots provided that the subdivision does not:
 - a. allow a change in the permitted use to which the lot or tract may be devoted under existing zoning;
 - b. deny adequate access to and from all lots or tracts created by the subdivision or those adjacent to it;
 3. The platting of a vacation approved by the platting authority provided that only the vacation is to be depicted and no other alteration of the plat is sought or required by the Municipality or Platting Authority.
 4. Subdivision of a cemetery into burial plots.
 5. Platting under Section 21.15.030J pursuant to the final approval of a conditional use.
- C. Submission requirements. All of the submission requirements of Section 21.15.110 shall be required.
- D. Procedures. The Platting Officer, together with the appointed governmental agency, shall review the submitted preliminary subdivision plats for completeness. If the plat does not meet the requirements of this section, the Platting Officer shall notify the subdivider and the surveyor by letter. If the preliminary plat does not conform to the requirement of the above-mentioned plat procedures, the Platting Officer shall either return the plat to the petitioner or schedule the plat to be heard by the platting authority at the next appropriate scheduled meeting.
- E. Action.
1. Except as provided in Section 21.15.030J, pertaining to Conditional Uses, the platting authority under the abbreviated plat procedure shall be the Platting Officer.
 2. When acting as the platting authority under this section, the Platting Officer may not grant variances to the municipal subdivision regulations. When acting as the platting authority under this section, the Planning Commission may grant variances to the municipal subdivision regulations in accordance with Section 21.15.010.
 3. The preliminary approval of the plat shall be for a period of 18 months; provided that if a preliminary plat is approved pursuant to final approval of a Conditional Use under

Section 21.15.030J, the Planning Commission may extend the period of preliminary approval in conjunction with extending the time for implementing the Conditional Use.

4. All decisions of the platting authority under this section shall be final unless appealed in 15 days:
 - a. To the Planning Commission, where the plat is for a Conditional Use under Section 21.15.030J and the platting officer is the platting authority;
 - b. To the Board of Adjustment under Sections 21.30.010 through 21.30.100 where the plat is for a Conditional Use under Section 21.15.030J and the Planning Commission is the platting authority; or
 - c. To the Platting Board in all other cases.

Any appeal to the Platting Board of the Planning Commission under this subsection shall be treated as an original subdivision application.

5. The requirements of the final plat shall be the same as required in Section 21.15.120, except that a field survey may be waived by the Municipal Surveyor for subdivisions that merely eliminate interior lot lines. (AO 16-76, am AO 78-50).

21.15.130 Vacations.

- A. Authority. The Platting Authority shall consider the merits of each vacation request and in all cases the Platting Authority shall deem the area being vacated to be of value to the Municipality unless proven otherwise. The burden of proof shall lie entirely with the petitioner.
- B. Submission requirements. In submitting a vacation application, the applicant shall submit the following items with the Department of Community Planning, at least 30 days prior to the regular meeting of the Platting Authority, at which the vacation is to be considered:
 1. a written application on forms provided by the Department of Community Planning;
 2. 30 copies of a map illustrating the area to be vacated. In addition to showing the area to be vacated, the map must show the outer boundary of the property receiving the benefit of the dedication, and the location of all known public improvements within the area being vacated;

3. the application shall include a written statement containing the reasons in support of the vacation.

C. Action.

1. The Platting Authority shall take action on the vacation application within 60 days after the submission date. The reasons for the approval of the vacation shall be stated upon the record of the Platting Authority.
2. The approval of the vacation shall be effective for a period of 18 months from the date of approval during which time the applicant may perfect the vacation by filing a plat depicting such vacation. The vacation shall not be complete until authorized by ordinance in accordance with Section 10.02 of the Municipal Charter and replatting of the area in conformance with the applicable preliminary and final plat procedures of this title. In those instances where the replat is solely for the deletion of the area vacated from the current recorded plat, the replat may be eligible for the abbreviated plat procedures.

D. Title to vacated area.

1. The title to the street or other public right-of-way vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platting addition bordering on the area. If a public square is vacated, the title to it vests in the Municipality.
2. If the Municipality acquired the street or other public area vacated for legal consideration before the final act of vacation, the fair market value of the street or public area shall be deposited with the Municipality. Title transferred under this paragraph shall be warranted by the Municipality in the same manner as it was received.
3. Provisions of subsection D.1 hereof notwithstanding, the Platting Authority may determine that all or a portion of the area vacated shall be devoted to another public purpose and if so, title to the area vacated

and held for another public purpose does not vest as provided in subsection D.1 but remains in the Municipality. (AO 16-76).

21.15.133 Street Name Alterations.

- A. A street name alteration may be proposed by a government agency or by petition. The proposal or petition shall be submitted to the Department of Community Planning. The Department of Community Planning shall reject any street name alteration that does not conform to the standards of §21.80.065 and any regulations promulgated thereunder.
- B. Petition for street name alteration.
 1. A petition for street name alteration shall include:
 - a. the existing street name;
 - b. the proposed street name;
 - c. the signatures of fifty-one percent of the owners of the property fronting the street, and the legal description of the property fronting on the street owned by each petitioner;
 - d. a map showing the location of the subject street.
 2. The Department of Community Planning shall determine whether a petition conforms to paragraph 1 of this subsection. For the purposes of this section, the person listed on the current Municipal property tax rolls as the owner of a lot or parcel shall be presumed to be the present owner of the lot or parcel.
- C. The Department of Community Planning shall mail to all owners of property fronting on a subject street notice of the proposed street name change no less than 14 days before it is submitted to the Mayor. The notice shall state the present and proposed street names, and shall direct that any comments on the alteration be submitted in writing to the Platting Officer. The Platting Officer shall submit the street name alteration to the Mayor with a recommendation that the Mayor approve or disapprove the alteration, and the reasons therefor. If the Mayor approves the alteration, he shall issue an executive order directing that the alteration be made. The executive order shall become effective 30 days after its issuance but shall be suspended by a protest filed with the Municipal Clerk within that 30 day period pursuant to subsection D of this section. The Clerk shall mail notice of the issuance of the executive order to all owners of property

fronting on the subject street. The notice shall describe the procedure for protesting the executive order under subsection D of this section. The Clerk shall notify the person who submitted a petition or proposal for street name alteration of the Mayor's disapproval of the street name alteration. The Mayor's disapproval of a street name alteration may be appealed to the Assembly within 30 days.

- D. Upon the timely filing of a petition signed by 33% of the owners of property fronting on the subject street, protesting the issuance of an executive order under subsection C of this section, the Clerk shall schedule a public hearing on the matter before the Assembly. The Clerk shall mail a notice of the hearing to all owners of property fronting on the street no less than 14 days prior to the date of the hearing. The question before the Assembly shall be whether to ratify the executive order. The executive order shall become effective upon the passage of resolution of ratification. If a resolution of ratification fails to pass, the executive order shall be void.

21.15.134 Commercial Tract Application and Submission Requirements.

- A. Authorization. A commercial tract may be created and divided into fragment lots in order to facilitate construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only in B-1, B-2A, B-2B, B-2C, B-3, B-4 or I zoning districts.

B. Creation of commercial tracts.

1. An application for approval of a commercial tract shall be made to the Platting Board and shall be signed by the owner or owners of the property involved.
2. The application shall contain the following:
 - a. The name of the property owner or owners.
 - b. The address of the property owner or owners.
 - c. The legal description of the property to be designated as a commercial tract.
 - d. Fifteen copies of a proposed commercial tract site plan drawn to scale showing building footprints, parking areas, landscaping, driveway access to the property, site drainage, and any fragment lots to be contained within the commercial tract.

- e. Proposed declarations, covenants and restrictions to be binding on property designated as a commercial tract.

3. The Platting Board shall act upon the application for commercial tract approval within thirty (30) days following receipt of that application. If the Board does not reject the commercial tract application within the thirty (30) day period, the consent of the Platting Board to approval of the commercial tract as submitted shall be deemed to have been granted. This section shall not be construed to prevent the Platting Board from approving with or without modification an application for commercial tract approval before expiration of the thirty day time period.

4. Upon expiration of the thirty day time period set forth in B.3 of this section, or upon approval by the Platting Board of the commercial tract, the Platting Officer shall, after notice to the petitioner, record the commercial tract site plan as approved by the Board together with any declarations, covenants and restrictions with the District Recorder.

5. It shall be unlawful for any person to construct, erect or maintain any structure, building, fence or improvement, including landscaping, parking and other facilities on property designated as a commercial tract unless such improvements are constructed or reconstructed in a manner consistent with the approved commercial tract site plan.

6. The boundaries of an approved commercial tract may be amended or altered only upon application to and prior approval by the Platting Board in accordance with Sections 21.15.100 - .125 of this code.

7. Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the Platting Board as provided in this section.

- C. Division of the commercial tract. The owner of a commercial tract may divide the tract into fragment lots provided that such division is not inconsistent with the approved commercial tract plan and recorded declarations, covenants and restrictions applicable to the commercial tract. Any property description used to divide an area of the commercial tract into a fragment lot shall not be considered a lot or tract under the terms of this Title or Title 23 of this code, but shall be otherwise a lawful lot or tract. Any fragment lot created under this section shall contain the minimum area, width and

depth otherwise required for lots in the zoning district in which the fragment lot is located. (AO-82-16).

21.15.135 Fees.

Fees shall be assessed for the administration of this chapter and shall be paid upon application

for approval of variances, Conditional Uses, subdivisions, vacations and other special land use permits issued pursuant to this chapter. A fee schedule shall be established by the Municipal Assembly by resolution upon the recommendation of the Director of Community Planning. The fee Schedule shall be reviewed annually for possible revisions. (AO 16-76, am AO 77-407).

Chapter 21.20

PROCEDURE FOR ZONING MAP AMENDMENT

Sections:

- 21.20.010 Zoning Map Amendment - Initiation.
- 21.20.015 Minimum Qualifications.
- 21.20.020 Public Hearing — Notice.
- 21.20.025 Determination — Planning Commission Review.
- 21.20.030 Submission to Assembly.
- 21.20.035 Protest.
- 21.20.040 Amendments to Initial Proposal.
- 21.20.045 Zoning Map Amendment with Special Limitation.
- 21.20.050 Fees.

21.20.010 Zoning Map Amendment - Initiation

A. A zoning map amendment may be initiated by:

1. the Assembly;
2. the Planning and Zoning Commission;
3. the Municipal Administration;
4. any individual, corporation or association, provided that the amendment is accompanied by a petition favoring the amendment and signed by the owner or owners of 51% of the property within the area to be rezoned. For the purpose of determining the petition requirements, the owner of a condominium unit or other property subject to the Horizontal Property Regimes Act shall be deemed to own a percentage of the entire project equal to the unit's percentage of undivided ownership in the common areas and facilities as set forth in the recorded declaration committing the property to the Horizontal Property Regimes Act. Any requests for a map amendment submitted by an individual under the provision of this subsection shall be accompanied by the payment of fees as provided by resolution. (Adapted from GAAB 21.05.090A and new).

21.20.015 Restrictions On Zoning Map Amendments.

A. Neither the Planning Commission nor the Assembly may consider or approve a zoning map amendment that establishes a new use district with an area of less than 1.75 acres (76,230 sq. ft.), excluding streets and rights-of-way, except for zoning map amendments initiated by the Municipal Administration to place municipally-owned land in a PLI use district, or extension of existing district boundaries.

B. Neither the Planning Commission nor the Assembly may consider or approve a zoning map amendment initiated pursuant to Section 21.20.010A4 which is substantially the same as any other zoning map amendment initiated within the previous nine months and not approved by the Assembly.

21.20.020 Public Hearing - Notice.

Before acting upon any proposed zoning map amendment, the Planning Commission shall hold a public hearing. Notice of the hearing shall be published at least 14 days prior to the hearing in a newspaper of general circulation. The notice shall indicate the time and place of the hearing and shall include an appropriate designation of each proposed amendment. Property within the proposed district change shall be posted at least 14 days prior to the hearing indicating the nature of the proposed change and stating the dates and time of the public hearing. In addition to the notice indicated above, due notice shall be mailed to parties of interest 14 days before the public hearing. "Parties of interest" shall be construed to be real property owners of record on the Municipal Assessor's records within a 500-foot periphery of the proposed area of change or the owners of the nearest 50 parcels of land, whichever is the greater number of parties. When a proposed zoning change lies within the boundaries of a community council officially recognized by the Assembly, the community council shall be duly notified at least 14 days before the public hearing. (Adapted from GAAB 21.05.090A).

21.20.025 Determination — Planning Commission Review

The Planning Commission shall study any application for a zoning map amendment to determine:

- A. The public need and justification for any proposed change of the zoning map;
- B. The effect of the use district change on the property and on surrounding property;
- C. The amount of undeveloped land in the general area having the same district classification as that requested;
- D. The relationship of the proposed amendment to the comprehensive planning program with appropriate consideration as to whether the proposed change will further the purposes of the zoning regulation and the comprehensive development plan;
- E. Whether the public need, in the case of amendments involving small areas, will be best served by changing the classification of the particular piece of property in question as compared with other available property.

The commission shall make general recommendations and adopt findings on each of the above considerations. (Adapted from GAAB 21.05.090A).

21.20.030 Submission to Assembly.

Within 30 days after the Planning Commission has acted favorably upon a proposed zoning map amendment in accordance with the above provisions, a report with recommendations shall be submitted to the Assembly, together with the proposed ordinance. Such recommendations of the Planning Commission shall be advisory only and shall not be binding upon the Assembly. If the Commission recommends denial of any proposed amendment, its action shall be final unless the initiating party within 20 days files a written statement with the Clerk requesting that the amendment be taken up by the Assembly. When an Ordinance has been forwarded to the Assembly, the Assembly shall act in accordance with this chapter, and notice shall be issued as provided in Section 21.20.020. Notice of hearing shall include a description of the protest rights established by Section 21.20.035. (Adapted from GAAB 21.05.090A).

21.20.035 Protest.

- A. If the owner or owners of 1/3 (33-1/3%) or more of either the area of real property within the proposed zone change or that area within a 300-foot periphery of such area file a protest against the zoning map amendment, the amendment shall not become effective except by a favorable vote of eight members of the Assembly. (Provisions regarding condominium owners set forth in subsection 21.20.010A.4 apply to this section.) In determining the sufficiency of a protest for the purpose of this subsection, the area of

any land owned by the Municipality shall not be considered unless the Municipality is a party to the protest, or the protested zoning map amendment was initiated by the State of Alaska or the United States.

- B. Special rules relating to protests. For the purpose of this section, a protest shall be any written communication received by the Clerk objecting to the specific proposed use district, signed by the petitioners and including the legal description of that property owned by petitioners within the relevant area described above.

The term "parcel" is defined as any property shown as an individual unit on the most recent plat of record or otherwise described of record, and includes adjoining corner lots or properties, provided that the maximum area of a parcel which may be counted is that area within a 300-foot periphery of the proposed use district.

A protest must be received by the Clerk one business day prior to the date set for public hearing before the Assembly on the zoning map amendment. (Adapted from GAAB 21.05.090A am AO 79-202).

21.20.040 Amendments to Initial Proposal.

- A. Area rezoning. A zoning map amendment initiated by the Assembly, the Planning Commission, or the Municipal Administration designed to redistrict or adjust a large area or neighborhood (as distinguished from a single subdivision or tract) may be amended in any manner, provided that all notices of the public hearing indicate the nature of the proposed rezoning and set forth the rule of this subsection regarding amendment.
- B. Small area rezoning. A zoning map amendment initiated in any other manner or designed to redistrict an individual parcel or other small area may not be amended by the Assembly unless the amendment would result in a more restrictive district classification and any initiating property owners within the proposed district agree to such amendment in writing. (Adapted from GAAB 21.05.090A).

21.20.045 Zoning Map Amendment With Special Limitation.

- A. Authorization. Amendments to the zoning map may be approved subject to one or more special limitations which restrict the use of land beyond that otherwise provided by the proposed district classification.
- B. Purpose and intent. A rezoning subject to a special limitation to be used in circumstances

where the proposed change of district classification is appropriate to allow certain uses which are in accordance with the Comprehensive Plan, but where certain uses or district regulations applicable to the proposed district would permit development incompatible with the surrounding neighborhood, or not in accordance with the Comprehensive Plan. A rezoning amendment with special limitations imposed must conform to the standards normally applied to rezoning map amendments.

C. Scope. A special limitation attached to a zoning map amendment may:

1. limit the use of property affected so that one or more of the uses which would otherwise be permitted in the district classification being adopted shall not be permitted in this specific district as amended;
2. require compliance with such design standards relating to the construction, design and placement of buildings, landscaping, streets, roadways, pathways, drainage ways and other site design features as may be necessary to protect the community from the impact of future development.

D. Conditional Uses. A zoning map amendment subject to Special Limitations may not be applied to allow a permitted principal use or structure which would otherwise be allowed within the existing zoning district by Conditional Use.

E. Requests for Special Limitations. A request for an amendment to the zoning map may be submitted with a request that Special Limitations be applied pursuant to this section. The request shall specify those uses and structures which would be allowed under the terms of the proposed Special Limitations. The request shall also specify any site design features which the party making the request wishes to be considered as Special Limitations.

F. Planning Commission review. The Planning Commission shall review proposed zoning amendments with Special Limitations following procedures specified in this chapter. The Planning Commission may consider and make re-

commendations on all aspects of the proposed Special Limitations and may recommend additional or substitute Special Limitations in the same manner as provided in Section 21.20.025.

G. Assembly action. The Assembly shall act on proposed zoning amendments with Special Limitations following procedures specified in Section 21.20.030. Where an amendment has been initiated by the owner or owners or the subject parcel pursuant to Section 21.20.010, the Assembly shall not apply Special Limitations more restrictive than those applied for unless the written consent of the petitioner is first obtained.

H. Amendment of zoning map. The zoning map shall be amended as necessary to reflect the existence of zoning amendments with Special Limitations. Areas affected by Special Limitations shall be identified by the use of the suffix "SL" and shall be clearly distinguished from area in like zoning districts which are not subject to Special Limitations. The number of the Ordinance creating a district subject to a Special Limitation shall be printed on the zoning map within the boundaries of the affected district.

I. Special Limitations to control. Special Limitations contained in an Ordinance amending the zoning map shall govern over any inconsistent regulations contained in the zoning regulations unless specifically provided otherwise. All district and supplemental district regulations (Chapter 21.45) not specifically affected by a Special Limitation shall apply in the same manner as if the district classification were not subject to Special Limitations. (Adapted from GAAB 21.05.090A).

21.20.050 Fees.

Fees shall be assessed for the administration of this chapter and shall be paid upon application for zoning map amendments. A fee schedule shall be established by the Municipal Assembly by resolution upon the recommendation of the Director of Community Planning. The fee schedule shall be reviewed annually for possible revisions.

SCHEDULE OF FEES

A. Land use Permit.

BUILDINGS OF GROUP A, B, C, D, E, F,
G AND H OCCUPANCIES:

TOTAL VALUATION	FEE
\$101 to \$500	\$5
\$501 to \$2,000	\$5 for the first \$500, plus \$0.25 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$8.75 for the first \$2,000, plus \$1.25 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$37.50 for the first \$25,000, plus \$1.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$65 for the first \$50,000, plus \$0.80 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$105 for the first \$100,000, plus \$0.50 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 and up	\$305 for the first \$500,000, plus \$0.35 for each additional \$1,000 or fraction thereof

BUILDINGS OF GROUP I AND J OCCUPANCIES:

One-story buildings per square foot of area	\$0.025
Mobile homes per square foot of area	\$0.02
Two stories or more per square foot of area	\$0.02
Group J occupancies per square foot of area	\$0.01

- NOTE:
1. Each basement or cellar shall be considered one story.
 2. Occupancies as defined in the Uniform Building Code.

B. Application for Conditional Use	\$300.00
C. Application for change of zoning or zoning ordinance amendment	\$100.00
D. Appeal for variances from the provisions of the Ordinance	\$ 25.00
E. Application for Conditional Use for a Planned Unit Development	\$450.00
F. Zoning map	
1. Single sheet	\$.75
2. Set (17 sheets)	\$ 12.50
G. Application for change of zoning or zoning amendment to Municipal Assembly from unfavorable recommendation by the Planning Commission	\$150.00

- H. Appeal of a Conditional Use
 - 1. filing fee \$150.00
 - 2. record preparation:
 - a. verbatim transcript — \$3.50 per page
 - b. supporting documents — \$1.50 per page

 - I. Plat application
 - 1. preliminary plat application
 - a. 1-20 lots or tracts — \$100
 - b. 21-50 lots or tracts — \$250
 - c. 51 lots or tracts and up — \$5 per lot or tract
 - 2. application for vacation — \$75
 - 3. application for abbreviated plat procedure — \$100

 - 4. application for final plat — 1/2 of preliminary fee
 - 5. inspection of required subdivision improvements — 100% of all costs relating to inspection, surveillance and testing
 - 6. notice of appeal
 - a. filing fee — \$50
 - b. record preparation:
 - (1) verbatim transcript — \$3.50 per page
 - (2) supporting documents — \$1.50 per page (AO 77-407, from GAAB 21.05.090, am AO 77-407, AR 78-12).
- J. Federal, State and Municipal governmental agencies are exempt from Subsections (B), (C), (D), (E) and (I) 1-4 of this fee schedule.

ENFORCEMENT — VIOLATIONS AND PENALTIES

Sections:

- 21.25.010 Building Permit — Compliance with Title.
- 21.25.020 Enforcement Orders.
- 21.25.030 Violations, Penalties and Remedies.

21.25.010 Building Permit — Compliance with Title.

No building or land use permit may be issued unless the proposed use or structure conforms to all planning and land use regulations contained in this Title. If a proposed land use or structure is permitted only by Special Permit, Conditional Use or under a variance, evidence of the Special Permit, Conditional Use or variance must be provided. Building permits may be revoked if the terms and conditions of any Conditional Use or variance are violated. (Adapted from GAAB 21.05.080C).

21.25.020 Enforcement Orders.

Pursuant to Section 21.10.005 of this Title, an administrative official designated to enforce or administer planning and land use ordinances may order: the discontinuance of unlawful uses of land, buildings or structures; the removal or abatement of unlawful buildings or structures or any unlawful additions or alterations thereto; the discontinuation of construction or preparatory activity leading to an unlawful structure or use of land; or any other action necessary to ensure compliance with all planning and land use regulations including, but not limited to, suspension or revocation of building permits, Conditional Uses or other Municipal land use permits.

Any enforcement order subject to review by the Zoning Board of Examiners and Appeals in accordance with the provisions of Section 21.30.110 which is issued in writing and served personally or by certified mail shall be final unless appealed to the Board within 30 days of service under the provisions of Section 21.30.130. An official enforcement order need not be issued prior to the commencement of legal action. (Adapted from GAAB 21.05.080B, .100 and new.)

21.25.030 Violations, Penalties and Remedies.

A. Civil remedies. If there is a violation of the terms of any chapter within this Title or of any condition, regulation or safeguard adopted in conjunction with the granting of any Conditional

Use, subdivision plat, variance or other permit authorized under this Title, the administrative official, the municipal attorney, the Assembly or any aggrieved citizen may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, estop, remove or punish such violation or to obtain monetary damages suffered by such party. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed \$1,000.00. An action to enjoin any violation of this Title may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the superior court shall grant injunctive relief to restrain the violation.

- B. Criminal remedies. Every act or the maintenance of any condition prohibited by this Title or by any condition, safeguard or regulation adopted in conjunction with the granting of a Conditional Use, subdivision plat, variance or other land use permit authorized by this Title is unlawful, and the willful commission of such act or maintenance of such condition is a misdemeanor. Every person convicted of a violation of any provision of this Title or any administrative condition, regulation or safeguard referred to above shall be punished by a fine or not more than \$300.00.
- C. Each unlawful act or condition and every day upon which an unlawful act or condition shall occur shall constitute a separate violation.
- D. Parties. A proper party for any enforcement action under subsections A and B hereof shall include, but shall not be limited to:
 - 1. any individual, association, or corporation who owns, occupies, controls or has the right to control any premises, building or structure or any part thereof on which a violation of this Title has been committed or exists;

2. any individual, association or corporation who participates in, assists in, commits, or maintains violation of this Title.
- E. Special remedies applicable to subdivision regulations.
1. It is unlawful for any owner, lessee or agent to partition, sell, transfer, lease or agree to partition, sell, lease or transfer any land which results in a subdivision as defined by this Title before a plat of the subdivision has been duly approved and recorded in accordance with the land subdivision regulations.
 2. No person may file or record a subdivision plat in any public office unless the plat bears the approval of the Municipal Platting Authority.
 3. The Platting Authority may enjoin any partition, lease, transfer or sale of land which would result in an unlawful subdivision. Following an unlawful partition, transfer, lease or sale, the Platting Authority may enjoin any further transfer or sale of all unlawfully subdivided parcels until such time as the parcels are duly subdivided or returned to common ownership. (Adapted from GAAB 21.05.080, .100, 21.10.070 and AMC 10.05.-020, 15.05.120 and 26.10.070).
 4. No person may construct, reconstruct, erect or maintain any structure, building, fence, landscaping, driveway, street or other structure upon property designated as a commercial tract under Section 21.15.134 of this code except in a manner consistent with the approved commercial tract site plan applicable to that property.

Chapter 21.30

APPEALS

Sections:

21.30.010	Appeals to the Board of Adjustment.
21.30.020	Parties.
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21.30.180	Judicial Review Authorized.
21.30.190	Scope of Judicial Review.

21.30.010 Appeals to the Board of Adjustment.

The Board of Adjustment shall hear appeals:

- A. From decisions of the Platting Board regarding the approval or disapproval of an application for a subdivision or vacation;
- B. From decisions of the Planning and Zoning Commission regarding the approval or disapproval of applications for concept or final approval of Conditional Uses. (AO 73-76).

21.30.020 Parties

Decisions of the Platting Board and the Planning and Zoning Commission may be appealed by:

- A. The applicant for a Conditional Use, subdivision or vacation;
- B. Any governmental agency or unit;
- C. Any person adversely affected by the action. (AO 73-76).

21.30.030 Notice of Appeal — Time Limit.

- A. An appeal to the Board of Adjustment must be perfected (filed) no later than 15 days after the decision of the administrative body from which the appeal is taken. An appeal is perfected by the filing of a notice of appeal, appeal fee and cost bond in accordance with this section.
- B. The notice of appeal must be filed with the Municipal Clerk on a form prescribed by the Municipality and must contain detailed and specific allegations of error.
- C. The appellant shall pay an appeal fee as provided in a fee schedule to be approved by the Assembly. In addition, the appellant shall file a cost bond equal to the estimated cost of preparation of the record. Following completion of the record, the actual cost thereof shall be paid by the appellant. All costs and fees shall be returned to the appellant in the event the decision of the lower body is reversed in whole or in part. (AO 73-76).

21.30.040 New Evidence — Changed Circumstances.

Appeals alleging new evidence or changed circumstances shall not be heard by the Board of Adjustment but shall be remanded forthwith by the clerk to the lower administrative body which shall determine whether to rehear the matter. (AO 73-76, am 80-85).

21.30.050 Preparation of Record.

- A. Upon timely perfection of an appeal the Municipal Clerk shall prepare an appeal record. The record shall contain:
1. a verbatim transcript of the proceedings before the administrative body from which the appeal has been taken;
 2. copies of all documentary evidence, memoranda, exhibits, correspondence and other written material submitted to the administrative body prior to the decision from which the appeal is taken;
 3. a copy of the written decision of the administrative body, including its findings and conclusions.
- B. Upon completion of the record, the clerk shall notify the appellant by certified mail of the cost of its preparation. If the appellant fails to pay the costs within seven days of receiving the notice, the appeal shall be automatically denied. Upon timely payment of costs, the clerk shall, by certified mail, serve a certified copy of the record on the appellant. The Clerk shall deliver a copy of the record to the municipal staff assigned responsible for the appeal. (AO 73-76, am AO 79-196).

21.30.060 Written Argument.

The appellant may file a written brief of points and authorities in support of those allegations of error specified in the notice of appeal not later than 15 days after service of the appeal record. The municipal clerk or the appellee shall prepare and submit to the Clerk a written reply to the notice of appeal and any brief in support thereof not later than 30 days after service of the appeal record. (AO 73-76).

21.30.070 Appeal Packet — Notice of Hearings.

Following the time set for the receipt of written argument from the appellant and the Municipal staff, the Clerk shall prepare and distribute to the Board members an appeal packet containing only the notice of appeal, the appeal record and any supporting argument submitted in accordance with Section 21.30.060. Following distribution of the packets, a date shall be set for consideration of the

appeal. Notice of hearing on the appeal shall be published in a newspaper of general circulation and shall be served by mail on the appellant and those entitled to notice of the original action being appealed. Appeal packets shall be available to the public upon demand. (AO 73-76).

21.30.080 Appeal Hearing.

- A. The meeting at which the Board of Adjustment deliberates and decides an appeal shall be open to the public and a record of the hearing shall be made.
- B. The Board of Adjustment shall not hear argument nor take additional testimony or other evidence. The Board of Adjustment may consider only the material contained in the appeal packet. (AO 73-76).

21.30.090 Scope of Administrative Review.

- A. The Board of Adjustment shall hear an appeal solely on the basis of the record established before the lower administrative body, the notice of appeal, appellant's argument and the reply thereto.
- B. The Board of Adjustment may exercise its independent judgment on legal issues raised by the appellant. Legal issues as used in this section are those matters that relate to the interpretation or construction of Ordinances or other provisions of the law.
- C. The Board of Adjustment shall defer to the judgment of the lower administrative body regarding disputed issues of fact. Findings of fact adopted expressly or by necessary implication by the lower administrative body shall be considered as true if they are supported in the record by substantial evidence. Substantial evidence for the purpose of this section means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence. (AO 73-76).

21.30.095 Decision.

- A. The Board of Adjustment may affirm or reverse the decision of the lower administrative body in whole or in part. It shall decide an appeal on the basis of the record on appeal and the briefs of the parties to the appeal, in accordance with the standards of Section 21.30.090. A majority vote of the fully constituted board is required to reverse or modify the decision appealed from. For the purpose of this section the fully consti-

tuted board shall not include those members who do not participate in the proceedings in accordance with Section 21.30.170. A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with Section 21.30.-100A.

- B. Every decision of the Board of Adjustment to affirm or reverse an action of the lower administrative body pursuant to subsection A above shall be based upon findings and conclusions adopted by the board. Such findings must be reasonably specific so as to provide the community, and where appropriate reviewing authorities, a clear and precise understanding of the reason for the Board's decision. The Board may seek the assistance of the Municipal staff in the preparation of findings. (AO 73-76, am 80-85).

21.30.100 Remedies.

- A. Where the Board of Adjustment reverse or modifies a decision of the lower administrative body in whole or in part, its decision shall finally dispose of the matter on appeal, except that the case shall be remanded to the lower body where the Board of Adjustment determines either:

1. that there is insufficient evidence in the record on an issue material to the decision of the case or
2. that there has been a substantial procedural error which requires further public hearing.

A decision remanding a case shall describe any issue upon which further evidence shall be taken, and shall set forth any further directions the board deems appropriate for the guidance of the lower administrative body.

- B. The lower administrative body shall act on the case upon remand in accordance with the decision of the Board of Adjustment in the minimum time allowed by the circumstances. Cases on remand following a decision of the board shall take precedence over all other matters on the agenda of the lower administrative body. Cases remanded in accordance with Section 21.30.040 are not entitled to such preference. (AO 73-76)

21.30.110 Appeals to the Zoning Board of Examiners and Appeals.

The Zoning Board of Examiners and Appeals shall hear appeals from decisions of the Municipal staff regarding:

- A. Enforcement orders pertaining to the zoning regulations, floodplain regulations or mobile home park regulations issued pursuant to Section 21.25.020;
- B. Denial of an application for a flood hazard permit;
- C. Denial of an application for a building or land use permit when such denial is based on the requirements of this Title;
- D. Denial of an application for a sign permit when such denial is based on the requirements of this Title;
- E. Denial of an application for a mobile home park permit when such denial is based on the requirements of this Title. (Adapted from GAAB 21.05.-080 and 21.30.350).

21.30.120 Parties.

Appeals to the Zoning Board of Examiners and Appeals may be brought by any party adversely affected by the action. (Adapted from GAAB 21.05.080 and 21.30.350).

21.30.130 Notice of Appeal — Time Limitation.

- A. An appeal to the Zoning Board of Examiners and Appeals must be filed no later than 30 days after notification of the decision being appealed.
- B. Notice of appeal must be filed with the Municipal Clerk on a form prescribed by the Municipality and must contain detailed and specific allegations of error. (Adapted from GAAB 21.05.080 and 21.30.350).

21.30.140 Scope of Review — Zoning Board of Examiners and Appeals.

The Zoning Board of Examiners and Appeals shall conduct a full evidentiary hearing and make its decision on the basis of this title, the evidence and the argument presented. (Adapted from GAAB 21.05.080 and 21.30.350).

21.30.150 Hearing.

- A. A public appeal hearing shall be held within 60 days of the filing of a proper notice of appeal.
- B. Notice of the appeal hearing shall be published in a newspaper of general circulation at least 14 days prior to the hearing, and in addition, the appellant shall be sent a notice by mail at least 14 days prior to the hearing.
- C. The Board may prescribe rules of procedure for additional notification in cases where a decision

of the board would have a substantial effect on the surrounding neighborhood. (Adapted from GAAB 21.05.080 and 21.30.350).

21.30.160 Decision.

- A. The Zoning Board of Examiners and Appeals may affirm or reverse the decision of the administrative official in whole or in part. It shall require a majority of the fully constituted board to disturb the decision appealed from. For the purpose of this section, the fully constituted board shall not include those members who disqualify themselves in accordance with Section 21.30.170
- B. Every decision of the Zoning Board of Examiners and Appeals to affirm or reverse an action of the administrative official shall be based on findings and conclusions adopted by the board. Such findings must be reasonably specific so as to provide the community and, where appropriate, reviewing authorities, with a clear and precise understanding of the reasons for the Board's decision. (AO 73-76).

21.30.170 Special Rules of Procedure Applicable to Appeal Hearings Before the Board of Adjustment and the Zoning Board of Examiners and Appeals.

- A. A member of the Board of Adjustment or the Zoning Board of Examiners and Appeals may not participate in the deliberation or voting process of an appeal if:
 - 1. the Board member or a member of his or her immediate family has a substantial financial interest in any property affected by the appeal;
 - 2. the Board member or a member of his or her immediate family could foreseeably profit in a material way through a favorable or unfavorable resolution of the appeal;
 - 3. the Board member would be faced with a violation of the Code of Ethics of the Municipality by voting on the appeal.
- B. Ex parte contacts prohibited. Board members shall be impartial in all appeal matters, both in fact and in appearance. No member shall receive or otherwise engage in ex parte contacts with the appellant, other parties adversely affected by the appeal or members of the public concerning the appeal or issues specifically presented in the notice of appeal either before the appeal hearing or during any period of time the matter is subject to reconsideration. This

section shall not be deemed to prevent Board members from discussing matters relating to the appeal among themselves or to prohibit communications between Municipal staff and board members where such staff members are not themselves named parties to an appeal or members of any body which has in its own name become an active party to the appeal.

- C. Decisions of the Board of Adjustment and the Zoning Board of Examiners and Appeals may be brought up for reconsideration or rehearing only if:
 - 1. there was substantial procedural error in the original proceeding; or
 - 2. the Board acted without jurisdiction in the original proceeding; or
 - 3. the original decision was based upon fraud or misrepresentation.

Any person seeking reconsideration or a rehearing must file a request with the Municipal Clerk together with materials supporting one or more of the grounds stated above within 15 days of the original decision. The Board by majority vote may schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be conducted in the same manner as the original proceedings before the board. (AO 73-76).

21.30.180 Judicial Review Authorized.

In accordance with Appellate Rule 601 et. seq. of the Alaska Rules of Court, a municipal officer, a taxpayer or a person jointly or severally aggrieved may appeal to the superior court:

- A. A decision of the Board of Adjustment on an appeal from the Planning and Zoning Commission regarding an application for concept or final approval of a Conditional Use;
- B. A decision of the Board of Adjustment on an appeal from the Platting Board regarding an application for a subdivision or vacation;
- C. A decision of the Zoning Board of Examiners and Appeals on applications for a variance;
- D. A decision of the Zoning Board of Examiners and Appeals denying any application for a permit on grounds of noncompliance with provisions of this Title;
- E. A decision of the Zoning Board of Examiners and Appeals pertaining to an enforcement order where the immediate effect of the decision is to deny or diminish the value of real property owned or leased by the appellant. (AO 73-76).

21.30.190 Scope of Judicial Review.

An appeal to the Superior Court shall be heard solely on the record established before the Municipal bodies. In the case of appeals from the Board of Adjustment, the record shall include the proceedings before the Planning and Zoning Commission

or the Platting Board. The findings of the Planning and Zoning Commission, the Platting Board, the Zoning Board of Examiners and Appeals, and the Board of Adjustment shall not be reversed if, in the light of the whole record, they are supported by substantial evidence. (AO 73-76).

ZONING REGULATIONS — GENERAL PROVISIONS

Sections:

21.35.010	Title.
21.35.020	Definitions.
21.35.030	Application of Regulations.

21.35.010 Title.

Chapters 21.35 through 21.55 shall be known as the "Zoning Regulations of the Municipality of Anchorage." (GAAB 21.05.010).

B. The zoning regulations have been enacted to promote the health, safety and general welfare of the people of the Municipality of Anchorage.

The municipality is divided into districts, according to the recommendations of the Planning and Zoning Commission, and regulations appropriate to the purposes of each district and in accordance with the comprehensive plan apply to or are enforceable in each district. In enacting the regulations, the municipality has given consideration to the character of the districts and their particular suitability for the specified uses, the need to conserve the value of property and to encourage the most appropriate use of land throughout the municipality.

The regulations give consideration to the need to ensure a logical growth pattern within the municipality; to lessen congestion in the streets; to enhance safety from fire and other dangers; to provide adequate light, air and open space; to preserve property values; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public facilities; to promote the general health, safety and welfare of all of the municipality; the protection of property rights; and for the orderly development of the municipality (GAAB 21.05.010, am AO 79-201).

21.35.020 Definitions.

A. For the purpose of these chapters, certain terms or words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense.
 2. The singular number includes the plural.
 3. The word "person" includes a corporation as well as an individual.
 4. The word "lot" also includes the words "plot," "parcel," or "tract."
 5. The term "shall" is always mandatory.
 6. 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.
- B. For the purpose of these chapters, certain terms or words used herein shall be defined as follows:
1. "Accessory," as applied to a use or a building or a structure, means customarily subordinate or incidental to, and located on the same lot with a principal use, building or structure.
 2. "Acoustic rating" means a measure of sound-deadening quality of a wall or ceiling-floor assembly.
 3. "Alley" means a permanent service right-of-way providing a secondary means of access to abutting properties.
 4. "Apartment" means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which contains dwelling units for three or more families living independently of each other.
 5. "Apartment, high rise" means a multiple-family dwelling of six or more stories above the ground level of the principal entrance.

6. "Area, building" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings or structures exclusive of steps.
7. "Arterial street" means a street designed and intended to carry traffic from residential and collector street systems to major highways. Arterials are designated by class on the Official Streets and Highways Plan.
8. "Buffer zone" means an area or parcel of land which creates a visual or auditory separation between differing land uses.
9. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
10. "Building, front line of" means the line of that part of the building nearest the front property line of the lot.
11. "Building, height of" means the vertical distance from the average elevation of 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.
12. "Building, principal" means a structure in which is conducted the main use of the lot on which the structure is situated.
13. "Business" means activity involving wholesale or retail sales or the rental of any article, substance or commodity, including, but not limited to building materials and vehicles and the provision of all commercial services including financial institutions and personal commercial services.
14. "Business service" means an enterprise which provides other persons with planning, advice or technical aid; also, an enterprise which leases or sells office equipment and data processing equipment.
15. "Child care services" means all types of services included in the subcategories defined below:
 - a. "Child care facility — 24 hour" means a service providing for the supervision, education or counseling of any number of children without restriction on the time of service. Such service may include babysitting or residential care, and academic, medical and social programs.
 - b. "Day care" means a service providing for the supervision, education and/or counseling of any number of children for a period not to exceed 18 hours per day. Such services may include babysitting and academic, medical and social programs.
 - c. "Family Care" means care provided in a single-dwelling unit, as a home occupation, to five children or less for a period not to exceed 18 hours per day. The service is primarily babysitting, but may include educational programs.
 - d. "Family residential care" means care provided in a single-dwelling unit, in a family setting, for 10 children or less, without restriction on the time that services are provided.
16. "Cluster housing development" means a development design technique that concentrates buildings in specific areas on the site in a manner which would not otherwise be permitted in the underlying zoning district. The space between and surrounding clusters is allocated to pedestrian circulation, passive or active open space and cooperative recreational uses. Cluster housing developments may include single family detached, semi-detached and other forms of attached housing. (AO 82-54).
17. "Collector street" means a street designed and intended to carry traffic from residential street systems to arterial or major highway systems.
18. "Common areas and facilities" means those areas of a subdivision, building, planned unit development or condominium, including the property upon which it is located, that are for the common use and enjoyment of the owners and occupants of the subdivision, building, planned unit development or condominium. The areas may include the land, roofs, main walls, elevators, staircases, lobbies, halls, parking space, open space, and communal facilities. Common areas are shared by all tenants and are distinguished from space designated for private use. (AO 82-54).
19. "Common wall" means a wall or walls extending from the footing of a building to the roof along a side lot line, which side lot line is common to an adjoining lot.
20. "Comprehensive Plan" means the Comprehensive Development Plan of the Municipality of Anchorage.

21. "Conditional Use" means a provision which allows for flexibility within the zoning ordinance by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional controls and safeguards are applied to ensure their compatibility with permitted principal uses.
22. "Convenience establishment" means a commercial enterprise designed and intended to serve the daily or frequent shopping or service needs of the immediate surrounding population. Gasoline service stations and repair garages are specifically excluded from the meaning of this definition.
23. "Coverage, building" means that percentage of the total lot area covered by buildings.
24. "Density" means the number of dwelling units per gross acre in any residential development.
25. "Dwelling" means a building designed or used exclusively as the living quarters for one or more families.
26. "Dwelling unit" means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.
27. "Dwelling, multiple-family" means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
28. "Dwelling, one-family or single-family" means a detached building constructed on a permanent foundation, designed for long-term human habitation exclusively by one family, having complete living facilities and constituting one dwelling unit.
- a. "Dwelling, factory-built" means a detached single-family dwelling designed for long-term human habitation, and having complete living facilities, being at least 900 square feet in size, constructed and fabricated into one or more sections at a factory and designed to be joined at location of use on a permanent foundation.
 - b. "Dwelling, prefabricated" means a detached single-family dwelling designed for long-term habitation, and having complete living facilities, fabricated at a factory into component parts which are assembled at location of use on a permanent foundation.
29. "Dwelling, two-family" means a detached building designed for or occupied exclusively by two families and constituting two dwelling units.
30. "Family" means one or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity house or hotel.
31. "Fence" means a barrier, not to exceed eight feet in height, which is constructed of one or more of the following materials, or combinations thereof: wood, metal, fiberglass or masonry materials.
32. "Garage" means a building or portion thereof in which motor vehicles containing gasoline, distillate or other volatile, flammable liquids are stored.
33. "Garage, repair" means any building or premises which may be designed and used for the purposes of performing major automotive mechanical repairs and body work and other customary and incidentally related activities.
34. "Gasoline service station" means a retail place of business engaged primarily in the sale of motor fuels, lubricants and other petroleum products, but also in supplying accessories and services generally required in the normal operation and maintenance of motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, installation or replacement of accessory items, and the performance of minor automotive maintenance and repair. Major automotive repairs, including but not limited to engine, transmission or differential repair or replacement, body and fender work, and the like, are prohibited except where specifically permitted by the regulations or by the terms of a Conditional Use.
35. "Gross area" means the total site area, excluding bodies of water, to be included within a proposed development as indicated on a site plan.
36. "Gross floor area" means the total horizontal area of all of the floors of a building measured from exterior to exterior including interior balconies, mezzanine, stairwells, elevator shafts and ventilation shafts, etc.

37. "Hillside lot" means a lot on which the average ground slope exceeds 15% (.15:1).
38. "Home occupation." See Section 21.45.150.
39. "Hotel" means any building containing six or more rooms intended or designed to be used, rented or hired out, or to be occupied for sleeping purposes only by transients.
40. "Impervious surface" means an area of ground which, by reason of its physical characteristics or the characteristics of materials covering it, does not absorb rain or surface water. All parking areas, driveways, roads, sidewalks and walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt, brick, stone, wood, ceramic tile or metal shall be considered to be impervious surfaces. (AO 81-97)
41. "Industrial" means an activity, including manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.
42. "Junk" means any worn out, wrecked, scrapped, partially or fully dismantled, discarded tangible material, combination of materials or items, including motor vehicles that are inoperable or not currently registered for operation upon the public roads of Alaska. Also included are machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further alteration and reconditioning, be used for their original purpose.
43. "Junkyard." See "Salvage yard."
44. "Landscaping" means trees, shrubs, ground covers and related improvements, including furniture and other facilities intended to enhance an outdoor environment.
45. "Line, front property" means the line dividing a parcel of land from a street, public right-of-way, easement or other principal means of access to the parcel.
46. "Loading space, off-street" means a space located on premises for pickup and delivery at the premises. Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.
47. "Lot" means a parcel of land shown as an individual unit on the most recent plat of record.
48. "Lot, corner" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle or less than 135 degrees.
49. "Lot, depth of" means a mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines.
50. "Lot, front." The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as required in the schedule of district regulations, and in the supplementary district regulations.
51. "Lot, interior" means a lot other than a corner lot, with frontage only on one street.
52. "Lot lines" mean the property lines bounding the lot.
53. "Lot, through; double frontage lot" means a lot other than a corner lot with frontage on more than one street.
54. "Lot, transverse" means a lot which is approximately at right angles to the general pattern of other lots in the same city block.
55. "Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurement shall not extend beyond the lot lines of the lot being measured.
56. "Mineral resources operations," or "natural resources extraction" ("mineral or natural resources development") means commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock, or any mineral and other operations having similar characteristics.
57. "Mini-storage" means a completely enclosed structure containing three or more areas or rooms available for lease or rent to any individual or group of individuals for the purpose of the general storage of household goods and noncommercial personal property. Each individual rental area shall be separated from all other such units and shall be fully enclosed. No storage unit may have an area greater than 1,000 square feet.

58. "Mobile home" means a detached, single-family dwelling designed for long-term human habitation and having complete living facilities, constructed and fabricated into a complete unit at a factory and capable of being transported to location of use on its own chassis and wheels, identified by a model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation.
59. "Mobile home park" means any parcel or adjacent parcels of land in the same ownership which is utilized for occupancy by more than two mobile homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers.
60. "Motel." See "Tourist court."
61. "Nonconforming use" means a structure on land lawfully used or occupied and which does not conform to the regulations of the use district in which it is situated.
62. "Open recreation uses, commercial" means recreational activities conducted outside of any permanent building and operated as a business.
63. "Open Space" means those areas of a subdivision, planned unit development or condominium that are not occupied by structures. Open Space may include parkland, play areas, walkways, trails, and roads. The open space may be communal, private or combinations thereof and may be devoted to active or passive use. Open space may be formally landscaped or retained as natural vegetation. (AO 82-54).
64. "Paddock" means an enclosed area used for the pasturing or exercising of animals.
65. "Parking, public" means a structure or an open area other than a 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.
66. "Parking space, off-street" means a space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening both doors and adequate maneuvering room on a parking lot with access to public street or alley.
67. "Personal service" means a business which provides upon demand, aid, maintenance, repair, treatment or similar semitechnical, technical or experienced assistance, to the public at the individual level. This definition does not include the practice of a learned profession, nor wholesale or retail activities involving stock in trade on the premises.
68. "Planned Unit Development" means a Conditional Use granted by the Planning and Zoning Commission for a use or combination of uses, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space.
69. "Profession" means an occupation or calling required the practice of a learned art through specialized knowledge based on a degree issued by an institute of higher learning, e.g., doctor of medicine, engineer, lawyer.
70. "Property line" means a demarcation limit of a lot dividing it from other lots or parcels of land.
71. "Quasi-institutional house" means a residential facility located in a structure or residence or any living unit thereof designed, used or intended for use as a human habitation, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, emotional, or legal infirmity, or any combination thereof, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help or other treatment or assistance.
72. "R value" means a measure of resistance to heat loss as defined in Architectural Graphic Standards, 6th edition.
73. "Residential" means activity involving the occupation of buildings for living, cooking, sleeping and recreation.
74. "Residential street" means a street designed and intended to serve local areas. Residential streets feed traffic into collector and arterial street systems.
75. "Rooming house" means any dwelling in which, for compensation, three or more persons either individually or as families are housed or lodged, with or without meals. A boarding house, lodging house, tourist home or a furnished room house shall be deemed a rooming house.
76. "Salvage yard" means any lot, or portion of a lot, which is used for the purpose of the

- outdoor storage, handling, dismantling, wrecking, keeping, or sale of used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or parts thereof, including but not limited to, scrap metals, wood, lumber, plastic, fiber, or other tangible materials as defined in this subsection under "Junk."
77. "Sanitary Landfill" means the depositing of solid waste on land without creating a nuisance or a hazard to the public health or safety, utilizing the principles of engineering to confine the solid waste to the smallest practical area and reduce it to the smallest practical volume, and covering it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.
 78. "Sign" means any lettered or pictorial device designed to inform or attract attention.
 79. "Sign, surface area" means the entire areas within a parallelogram, triangle, circle, semi-circle or other geometric figure, including all of the elements of the matter displayed, but not including black masking, frames, or structural elements outside the advertising elements of the sign and bearing no advertising matter.
 80. "Special Limitation" means a provision adopted by Ordinance which restricts the permitted principal uses and structures otherwise allowed in a zoning district or which requires compliance with site design standards not otherwise required by zoning district regulations.
 81. "Stable" means a building in which domestic animals are sheltered and fed, such buildings having stalls or compartments.
 82. "Storage yard" means any lot or portion of a lot, which is used for the sole purpose of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment in an orderly manner.
 83. "Story" means that portion of a building between any floor and the next floor above, except that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar or unused floor space is more than 6 feet above grade for more than 50% of the total perimeter or is more than 12 feet above grade at any point, such basement, cellar or unused floor space shall be considered a story.
 84. "Story, half" means a story under a gable, hip, gambrel or mansard 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.
 85. "Street" means a way permanently open to general use which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare, except an alley as defined herein.
 86. "Strip commercial area" means a developed business frontage along a street and no more than 200 feet in depth from the front property line.
 87. "Structure" means anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground.
 88. "Tourist court" means a group of attached or detached buildings, containing individual sleeping or living units without cooking or kitchen facilities with at least one parking space for each unit located on the same premises and convenient to each unit, all for the temporary use by automobile tourists and transients, including auto courts, motels or motor lodges.
 89. "Town house" means a building containing not less than three single-family dwelling units erected in a single row, on adjoining lots, each being separated from the adjoining unit or units by an approved party wall or walls, extending from basement of either floor to the roof along the linking lot line.
 90. "Travel trailer" means a motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses, identified by a model number, serial number and vehicle registration number, equipped with limited water storage and other self-contained living facilities.
 91. "Usable open space" means open space within a proposed development site excluding areas devoted to roadways and parking. At least one-half of all areas designated as usable open space must have a slope of less than 20%.

92. "Use, principal" means any main activity permitted by this title.
93. "Variance" means the relaxation of the strict application of the terms of this chapter. This definition shall not be construed to permit a use in any district which use is prohibited therein.
94. "Warehouse" means a structure containing an area available for the purpose of storing commercial, industrial or private personal property.
95. "Yard" means a required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
96. "Yard, front" means a yard extending the full width of the lot across the front of a lot adjoining a public street. (See supplementary regulations.)
97. "Yard, rear" means a yard extending across the rear of the lot between inner side yard lines. In the case of double frontage and corner lots, there will be no rear yards, but only front and side yards.
98. "Yard, side" means a yard extending from the rear line of the front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot line involved with the public street. In the case of double frontage lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full-and half-depth front yards have been established shall be considered side yards. If no front yard is required, the front boundary of the side yards shall be the front property line. (See supplementary district regulations.)
99. "Yard, usable" means one or more well-drained open areas located on the same lot as the principal use for use by the residents thereon for outdoor activities. This definition does not include driveways, common walks, refuse storage or collection areas, or

off-street parking or loading areas, but does include private balconies containing at least 20 square feet, and roofs available for outdoor activities. (GAAB 21.05.020, am AO 77-355, AO 78-16, AO 78-28 , AO 78-171, AO 78-231, AO 79-124, AO 80-42, AO 81-67S, AO 82-54).

21.35.030 Application of Regulations.

Except as hereinafter provided:

- A. No building, structure, land or water area shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this Title for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
1. to exceed the height restrictions of this Title;
 2. to accommodate or house a greater number of families than permitted by this Title;
 3. to occupy a greater percentage of lot area than permitted by this Title;
 4. to leave narrower or smaller rear yards, front yards, side yards, space between portions of buildings or structures, or other open space than required by this Title.
- C. No part of a yard, or other open space, or off-street parking or loading space required in connection with any building or structure for the purpose of complying with this Title shall be included as part of a yard, open space, or off-street parking or loading space similarly required of any other building or structure.
- D. No yard, open space, space between portions of buildings or structures, or lot existing at the time of passage of this Title shall be reduced in dimension or area below the minimum requirements herein set forth.
- E. Within each district, the regulations set by this Title shall be minimum regulations and shall apply uniformly to each class or kind of building, structure, land or water area. (GAAB 21.05.030).

ZONING DISTRICTS

Sections:

21.40.010	Zoning Map — Districts Designated.
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21.40.030	R-1, R-1A — Single-family Residential Districts.
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21.40.120	D-2, D-3 — Residential Development Districts.
21.40.130	R-O — Residential-Office District.
21.40.140	B-1 — Local and Neighborhood Business District.
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21.40.230	W — Watershed District.
21.40.240	U — Unrestricted District.

21.40.010 Zoning Map — Districts Designated.

- A. The Municipality of Anchorage is hereby divided into use districts as shown on the Zoning Map of the Municipality of Anchorage (originally designated as Zoning Map of the Greater Anchorage Area Borough adopted by ordinance 1-69 amended by AO 80-89), hereinafter called Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Title in the exact form as it exists as amended.
- B. If, in accordance with the provisions of this Title, changes are made in use district boundaries or other matter portrayed on the Zoning Map, such changes shall be made on the date the amendment becomes effective.

The territory affected by the amendment shall be shown on the map with a serial number, and entry shall be made in a tabular column recording the number of the amendment, the ordinance number, the date of adoption of the ordinance, and the signature of the Municipal Clerk

attesting the recording of the change. No such change shall become effective until such entry shall have been made on the Zoning Map.

- C. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made, the Official Zoning Map shall be located in the office of the Municipal Department of Community Planning, and it shall be the final authority as to the current zoning status of lands, water areas, buildings and other structures in the Municipality of Anchorage.

In case the Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, the Assembly may by ordinance adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting and other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map. Such new Zoning Map shall be marked "This Zoning Map adopted by ordinance of the

Assembly on _____ supersedes the Zoning Map adopted _____ which statement shall be signed by the Chairman of the Assembly and attested by the Clerk. Unless the prior Zoning Map is lost or has been totally destroyed, the map or significant parts thereof remaining after partial destruction shall be preserved, together with all records of the Assembly regarding its adoption and amendment.

D. The following rules for interpretation of use district boundaries on the Zoning Map shall apply:

1. district boundaries indicated as approximately following the center-lines of right-of-way lines of streets, highways, or alleys shall be construed to follow such centerlines of right-of-way lines;
2. district boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

E. The Municipality of Anchorage is hereby divided into the following use districts:

1. PLI Public Lands and Institutions District.
2. R-1 One-family Residential District.
3. R-1A One-family Residential District (Large Lot).
4. R-2 Multiple-family Residential District (allowing up to eight units per lot, based on the Table in Section 21.40.040(F)(1)(C).
5. R-2A Two-family Residential District (Large Lot).
6. R-2D Two-family Residential District.
7. R-3 Multiple-family Residential District.
8. R-4 Multiple-family Residential District.
9. R-5 Rural Residential District.
10. R-6 Suburban Residential District (Large Lot).
11. R-7 Intermediate Rural Residential District.
12. R-8 Rural Residential District (Large Lot).
13. R-9 Rural Residential District.
14. R-O Residential-Office District.
15. D-2 Residential Development District (Two-family).
16. D-3 Residential Development District (General).
17. B-1 Local and Neighborhood Business District.
18. B-2A Central Business District Core.
19. B-2B Central Business District Periphery.

20. B-2C Central Business District.
21. B-3 General and Strip Commercial Business District.
22. B-4 Rural Business District.
23. I-1 Light Industrial District.
24. I-2 Heavy Industrial District.
25. I-3 Rural Industrial District.
26. W Watershed District.
27. U Unrestricted District.

Each of the districts listed above may be subject to special limitations in accordance with the provisions of Chapters 21.35 through 21.55 of this Title. (Adapted from GAAB 21.05.040, am AO 79-13, AO 80-84).

21.40.020 PLI - Public Lands and Institutions District.

The following statement of intent and use regulations shall apply in the PLI district:

- A. The PLI district is intended to include major open lands and major public and quasi-public institutional uses, including government office buildings and existing land reserves for public and institutional use.
- B. Permitted principal uses and structures:
 1. parks, parkways, greenbelts, land reserves and related facilities;
 2. golf courses, playgrounds, playfields and the like;
 3. zoos, museums, historic and cultural exhibits and the like;
 4. water conservation and flood control installations;
 5. educational institutions, including public, private or parochial academic schools, colleges and universities;
 6. hospitals, sanitariums, children's homes, nursing homes, convalescent homes, homes for the aged, and the like, provided that hospitals or sanitariums for the treatment of drug addicts or alcoholic patients shall be permitted only by Conditional Use;
 7. Cemeteries, subject to the standards set forth in Section 21.50.140.
 8. sewer installations and water supply installations;
 9. utilities installations;
 10. convents, monasteries and administrative offices of religious organizations;

11. headquarters or administrative offices for such charitable or eleemosynary organizations as Red Cross, Tuberculosis Society, Cancer Society, Boy Scouts, Girl Scouts and similar quasi-public organizations of a non-commercial nature;

12. governmental office buildings.

C. Permitted accessory uses and structures:

1. crematoriums and mausoleums as accessory uses to permitted cemeteries;
2. uses and structures which are necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses and structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.

D. Conditional Uses:

Subject to the requirements of the Conditional Use standards and procedures of this title, the following uses may be permitted:

1. churches and synagogues, along with the customary accessory uses, including parsonages, day care and meeting rooms;
2. natural resource extraction on tracts of not less than five acres;
3. oil and gas development, on tracts of not less than five acres;
4. commercial farming on tracts of not less than 10 acres, including the storage (at least 50 feet from any property line) of farm equipment used on the same tract;
5. radio and television transmission towers;
6. recreation uses, including commercial recreation uses for a period of time to be determined by the Planning Commission;
7. vocational schools, trade schools, manual training centers and the like;
8. correctional institutions, rehabilitation centers, reformatories and the like;
9. Planned Unit Developments;
10. governmental service shops, maintenance and repair centers and equipment storage yards.
11. Off street parking spaces or structures. (AO 82-24).

E. Prohibited uses and structures:

Any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use.

F. Minimum lot requirements:

Lot width	100 ft.
Lot area	15,000 sq. ft.

G. Minimum yard requirements:

1. Front yard: 25 feet
2. Side yard: 10 feet
3. Rear yard: 15 feet

H. Maximum lot coverage by all buildings: 30%.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the supplementary district regulations and the Uniform Sign Code.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use. Parking shall conform to the minimum requirements set forth in the supplementary district regulations unless it is demonstrated to the Building Official and the Traffic Engineer that the patrons and/or employees of the land use will generate a lower parking demand than anticipated by the supplemental district regulations. The burden of proof and demonstration of the lower parking demand lies with the property owner. Information that could demonstrate the lower parking demand may include: mass transit routing, car pooling, joint parking, arrangements or other parking and transit means as set out in a written parking and transportation impact plan submitted to the Traffic Engineer for approval. Variances to Section 21.45.080 Minimum Off-Street Parking Requirements may be granted by the Building Official in this use district upon the recommendation of the Traffic Engineer. Any change in the land use to which the variance granted by the Building Official. Any variances granted shall be executed by the recording of a standard parking agreement.

L. Loading. Adequate off-street loading area shall be provided in connection with any permitted use, the minimum of each use to be as provided in the supplementary district regulations.

M. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be covered with one or more of the following:

lawn grass, shrubbery, trees or other suitable ground cover materials. (Adapted from GAAB 21.05.050A, am AO 77-129, AO 81-178S, AO 82-24).

21.40.030 R-1, R-1A — Single-family Residential Districts.

The following statement of intent and use regulations shall apply in the R-1 and R-1A districts:

- A. These districts are intended as urban and suburban single-family residential areas with low population densities. R-1 and R-1A use regulations are identical, but existing dimensional differences in lot width and area are intended to be preserved. Structures and uses required to serve governmental, educational, religious, non-commercial recreational, and other needs of such areas are permitted within such districts or are permissible as Conditional Uses subject to restrictions intended to preserve and protect their single-family residential character.
- B. Permitted principal uses and structures:
 - 1. single-family dwellings (only a single principal structure may be allowed on any lot or tract);
 - 2. public, private and parochial academic elementary schools;
 - 3. high schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of Class I or greater designation upon the Official Streets and Highways Plan;
 - 4. parks, playgrounds and playfields, municipal buildings and uses in keeping with the character and requirements of the district;
 - 5. public branch libraries.
 - 6. family residential care
- C. Permitted accessory uses and structures:
 - 1. home occupation, subject to provisions of the supplementary district regulations;
 - 2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits;
 - 3. private garages;
 - 4. the outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all other titles of this code. Paddocks, stables or similar struc-

tures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 100 feet from any lot line;

- 5. family care;
- 6. private storage in yards of noncommercial equipment, including noncommercial trucks, boats, aircraft, campers or travel trailers in a safe and orderly manner and separated by at least five feet from any property line.
- D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this title, the following uses may be permitted:
 - 1. commercial greenhouses and tree nurseries;
 - 2. airstrips and heliports, if adequate approach and noise buffer areas are provided;
 - 3. utilities substations;
 - 4. nursing homes, convalescent homes and similar institutional uses subject to the provisions of the supplementary district regulations;
 - 5. art schools, music schools, dancing schools and the like;
 - 6. churches and synagogues along with the customary accessory uses including parsonages, day care and meeting rooms;
 - 7. residential Planned Unit Development;
 - 8. natural resource extraction on tracts of not less than five acres;
 - 9. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;
 - 10. quasi-institutional houses;
 - 11. day care.
- E. Prohibited uses and structures:
 - 1. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
 - 2. storage or use of mobile homes or quonset huts;
 - 3. any use which causes or may reasonably be

expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection, a lot shall have the following minimum area and width:

District	Lot Area	Lot Width (ft.)
R-1	6,000	50
R-1A	8,400	70

2. In a cluster housing development conforming to Section 21.45.190 all lots not part of the common area shall have a minimum area and width in accordance with that subsection.

G. Minimum yard requirements:

1. Front yard: 20 feet
2. Side yard: 5 feet
3. Rear yard: 10 feet

H. Maximum lot coverage by all buildings: 30% provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

I. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal structure shall exceed 2-1/2 stories or 25 feet in height. Accessory buildings shall not exceed 12 feet in height.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050B, am 80-27, AO 81-67S, AO 82-54).

**21.40.040 R-2 — Residential District Up To Eight Units On 20,000 Square Foot Lot.
R-2A — Two-Family Residential District (Large Lot).
R-2D — Two-Family Residential District.**

The following statement of intent and use regulations shall apply in all R-2, R-2A and R-2D districts:

A. The R-2 use district is intended to be a low density urban and suburban Multiple-Family Residential District, allowing up to eight dwelling units based on Section 21.40.040(F)(1)(C), residual lot area. The R-2A and R-2D use districts are intended as a low-density urban and suburban two-family residential areas. Except for the greater number of dwelling units per lot permitted in the R-2 use district, the R-2, R-2A and R-2D use regulations are identical, while maintaining existing dimensional differences in lot width and area. Structures and uses required to serve governmental, educational, religious, non-commercial, recreational and other needs of such areas are permitted in such districts or are permissible as Conditional Uses subject to restrictions intended to preserve and protect their residential character.

B. Permitted principal uses and structures:

1. single-family dwellings (only a single principal structure may be allowed on any lot or tract);
2. two-family dwellings (only a single principal structure may be allowed on any lot or tract);
3. Multiple family dwelling containing up to eight dwelling units in R-2 District only provided, however, that only a single principal structure may be allowed on any lot or tract;
4. public, private and parochial academic elementary schools;
5. high schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of Class I or greater designation upon the Official Streets and Highways Plan;
6. parks, playgrounds, playfields, Municipal buildings and uses in keeping with the character and requirements of the district;
7. public branch libraries;
8. family residential care;
9. day care, on a lot of at least 14,000 square feet (permitted in R-2 Zone only).

C. Permitted accessory uses and structures:

1. home occupation, subject to provisions of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits;
3. private garages;
4. the outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all titles of this code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 100 feet from any lot line;
5. family care;
6. private storage in yards of noncommercial equipment including noncommercial trucks, boats, aircraft, campers or trailers, in a safe and orderly manner and separated by at least five feet from any property line.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this title, the following uses may be permitted:

1. commercial greenhouses and tree nurseries;
2. airstrips and heliports, if adequate approach and noise buffer areas are provided;
3. utilities substations;
4. nursing homes, convalescent homes and similar institutional uses;
5. art schools, music schools, dancing schools and the like;
6. churches and synagogues, along with the customary accessory uses including parsonages, day care and meeting rooms;
7. residential Planned Unit Development;
8. natural resource extraction on tracts of not less than five acres;
9. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;

10. mobile home parks on sites of at least two acres in the R-2 district only. (Mobile home parks are not permitted in R-2A or R-2D districts);

11. quasi-institutional houses;

12. day care (in R-2A and R-2D zones);

13. 24 hour child care facilities (permitted only in R-2 zone).

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
2. storage or use of mobile homes or quonset huts, except as permitted by Conditional Use;
3. any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 and 3 of this subsection, a lot shall have the following minimum area and width:

Use	District	Lot	
		Lot Area (sq. ft.)	Width (ft.)
a. Single-family dwelling	R-2	6,000	50
	R-2A	7,200	60
	R-2D	6,000	50
b. Two-family dwelling	R-2	6,000	50
	R-2A	8,400	70
	R-2D	6,000	50

- c. Residual lot area. In any R-2 district, where the lot area exceeds the minimum requirements for one or two dwelling units (6,000 sq. ft.), the number of dwelling units permitted on the lot shall be in accordance with the following schedule:

Multiple-family dwelling
(R-2 District only)

Minimum Lot Area	No. of Dwelling Units
8,500 sq. ft.	3
11,000 sq. ft.	4
13,500 sq. ft.	5
16,000 sq. ft.	6
18,000 sq. ft.	7
20,000 sq. ft.	8

All permitted units shall be incorporated into one single structure.

2. Common wall lots. The following minimum lot requirements shall apply only to each lot of a pair of adjacent lots for which one required side yard has been abated in accordance with the requirements of 21.45.-120(G):

Use		Lot Area (sq. ft.)	Lot Width (ft.)
Single	R-2	3,000	30
Family	R-2A	4,200	35
Dwelling	R-2D	3,000	30

3. In a cluster housing development conforming to Section 21.45.190, all lots not part of the common area shall have a minimum area and width in accordance with that subsection.

G. Minimum yard requirements:

- | | |
|---------------|---------|
| 1. Front yard | 20 feet |
| 2. Side yard: | 5 feet |
| 3. Rear yard: | 10 feet |

- H. Maximum lot coverage by all buildings: 40%, provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

- I. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal structure shall exceed 2-1/2 stories or 25 feet in height. Accessory buildings shall not exceed 12 feet in height.

- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

- K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.

- L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050C, am AO 79-13, AO 80-27, AO 80-42, AO 81-67S, AO 82-54).

21.40.050 R-3 — Multiple-Family Residential District.

The following statement of intent and use regulations shall apply in the R-3 district:

- A. The R-3 district is intended to include urban and suburban single-family, two-family and multiple-family residential uses with medium population densities, and uses and structures required to serve governmental, educational, religious, non-commercial recreational and other needs of such areas. The regulations and restrictions in the R-3 district are intended to protect, preserve and enhance the primarily residential character of the district.

B. Permitted principal uses and structures:

1. single-family dwellings;*
2. two-family dwellings;*
3. multiple-family dwellings;*
4. public, private and parochial academic elementary schools;
5. high schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of Class I or greater designation upon the Official Streets and Highways Plan;
6. parks, playgrounds and playfields, Municipal buildings and uses in keeping with the character and requirements of the district;
7. public branch libraries;
8. day care and family residential care;
9. rooming houses.

*More than one principal structure may be allowed on any lot or tract.

C. Permitted accessory uses and structures:

1. home occupation, subject to provisions of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits;
3. private garages;

4. private storage in yards of noncommercial equipment, including noncommercial trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least five feet from any property line;
5. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this title, the following uses may be permitted:

1. nursing homes, convalescent homes and similar institutional uses;
2. churches and synagogues, along with the customary accessory uses including parsonages, day care and meeting rooms;
3. utilities substations;
4. mobile home parks on sites of at least two acres;
5. off-street parking spaces or structures;
6. museums, historical and cultural exhibits, aquariums, and the like;
7. camper parks;
8. convenience establishments;
9. private clubs and lodges;*
10. Planned Unit Development;
11. natural resource extraction on tracts of not less than five acres;
12. the outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all Titles of this code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 100 feet from any lot line;
13. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;
14. quasi-institutional houses;
15. 24 hour child care facility.

*Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
2. storage or use of mobile homes except as provided in this section;
3. quonset huts;
4. any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 and 3 of this subsection a lot shall have the following minimum area and width:

Use	Lot Area (sq. ft.)	Lot Width (ft.)
a. Single-family dwelling	6,000	50
b. Two-family dwelling	6,000	50
c. 3-and 4-family dwellings	6,000	50
d. 5 or more families	8,500	75 plus 1,000 sq. ft. for each dwelling unit in excess of 5.

- e. Common wall lots. The following minimum lot requirements shall apply only to each lot of a pair of adjacent lots for which the requirement of two side yards has been abated in accordance with the requirements of 21.45.120 (G):

Use	Lot Area (sq. ft.)	Lot Width (ft.)
Single-family dwelling	3,000	30

2. In a cluster housing development conforming to Section 21.45.190, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

G. Minimum yard requirements:

Use	Front Yard* (ft.)	Side Yard (ft.)	Rear Yard (ft.)	Usable Yard (per dwelling unit)
1. Single-family	20	5	10	N/A
2. Two-family	20	5	10	N/A
3. 3-and 4-family	20	10	20	400 sq. ft.
4. 5 or	20	10	20	400 sq. ft.

*See supplementary district regulations for additional setback requirements.

H. Maximum lot coverage by all buildings: 40%, provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

I. Maximum height of structures. Except as otherwise provided in this Title, no building or structure shall exceed three stories or 35 feet in height.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, or other authorized installations shall be covered with one or more of the following: lawn grass, shrubbery, trees or other suitable ground cover materials. (Adapted from GAAB 21.05.050D, am AO 80-27, AO 80-42, AO 81-67S, AO 82-54).

21.40.060 R-4 — Multiple-family Residential District.

The following statement of intent and use regulations shall apply in the R-4 district:

A. The R-4 district is intended to include urban multiple-family dwelling uses with medium to high residential densities, and uses and structures required to serve governmental, educational, religious, non-commercial recreational and other needs of such areas. The regulations

and restrictions in the R-4 district are intended to protect, preserve and enhance the primarily residential character of the district.

B. Permitted principal uses and structures:

1. single-family dwellings;*
2. two-family dwellings;*
3. multiple-family dwellings;*
4. hotels, motels and motor lodges on sites with a minimum area of 14,000 sq. ft., provided that principal access to such uses shall be directly from streets of Class I or greater designation as indicated on the Official Streets and Highways Plan;**
5. public, private and parochial academic elementary schools;
6. high schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of Class I or greater designation upon the Official Streets and Highways Plan;
7. parks, playgrounds and playfields, municipal buildings and uses in keeping with the character and requirements of the district;
8. public branch libraries;
9. family residential care, and day care;
10. rooming houses;
11. private clubs and lodges.**

* More than one principal structure may be allowed on any lot or tract.

** Any use involving sale or dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

C. Permitted accessory uses and structures:

1. home occupation, subject to provisions of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds garden sheds and toolsheds, private barbecue pits;
3. private garages;
4. private storage in yards of noncommercial equipment including noncommercial trucks, boats, aircraft, campers, or travel trailers, in a safe and orderly manner and separated by at least five feet from any property line'
5. hotels, motels or motor lodges having 20 or

more rental units may include personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.

6. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. town houses and row houses built to a common wall at side lot lines;
2. nursing homes, convalescent homes and similar institutional uses;
3. churches and synagogues, along with the customary accessory uses including parsonages, day care and meeting rooms;
4. utilities substations;
5. mobile home parks on sites of at least two acres;
6. off-street parking spaces or structures;
7. museums, historical and cultural exhibits, aquariums, and the like;
8. camper parks;
9. convenience establishments;
10. planned unit development;
11. gasoline service stations;
12. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval.
13. quasi-institutional houses;
14. 24 hour child care facility.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
2. storage or use of mobile homes except as provided in this section;
3. quonset huts;
4. any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust, or other particulate

matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection, a lot shall have the following minimum area and width:

Use	Lot Area (sq. ft.)	Lot Width (ft.)
a. Single-family	6,000	50
b. Two-family	6,000	50
c. 1-through 6-family dwelling	6,000	50
d. 7-dwelling	8,500	75
e. 8-family dwelling	9,250	75
f. 9-family dwelling	10,000	75
g. 10-family dwelling	10,750	75
h. Apartment buildings for 11 or more families on sites having a minimum area of 11,500 square feet and minimum frontage of 100 feet shall be limited by a floor area ratio (F.A.R.)* of 2.0 and shall be subject to the yard requirements of this section.		

* Floor area ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 23,000 gross square feet of building on a lot with an area of 11,500 square feet.)

2. In a cluster housing development conforming to Section 21.45.190 a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

G. Maximum yard requirements:

1. front yard: 10 ft., except as provided in the supplementary district regulations;
2. side yard: 5 ft., provided, however, that

where buildings exceed 35 feet in height, minimum side yards shall be increased one foot for each five feet in height exceeding 35 feet;

3. rear yard: 10 ft.
4. multiple-family dwellings shall provide a usable yard area of 100 sq. ft. per dwelling unit.

H. Maximum lot coverage by all buildings: 50%, provided that a cluster housing development under Section 21.80.190 shall conform to that maximum lot coverage requirements for that section.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in section 21.45.080.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the supplementary district regulations

M. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, or other authorized installations shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. (Adapted from GAAB 21.05.050E, am AO 80-27, AO 81-65S, AO 82-54).

21.40.070 R-5 — Rural Residential District.

The following statement of intent and use regulations shall apply in the R-5 district:

A. The R-5 district is intended to include lands which are developing or will develop for rural residential purposes. The R-5 district is designed to protect and encourage all types of residential development while at the same time retaining a low population density.

B. Permitted principal uses and structures:

1. single-family, two-family and multiple-family dwellings, including one mobile home. (Only a single principal structure may be allowed on any lot or parcel);

2. public and private elementary and secondary academic or vocation schools, or trade schools;
3. parks, playgrounds, playfields, public buildings and uses in keeping with the character and requirements of the district;
4. charitable or welfare institutions;
5. nursing homes and convalescent homes;
6. public branch libraries;
7. commercial greenhouses and tree nurseries, including the raising for sale of vegetables, produce, fruit crops, nursery plants and the like;
8. family residential care.

C. Permitted accessory uses and structures:

1. home occupation, subject to provisions of the supplementary district regulations;
2. noncommercial greenhouses, storage sheds, garden sheds and toolsheds, private barbecue pits;
3. private garages;
4. the outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all Titles of this code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from any lot line;
5. private storage in yards of equipment including trucks, boats, aircraft, campers, or travel trailers, in a safe and orderly manner and separated by at least five feet from any property line;
6. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. airstrips and heliports;
2. utilities substations;
3. Planned Unit Development;
4. convenience establishments;
5. natural resource extraction;
6. mobile home park on a site of at least two acres;

7. churches and synagogues, along with the customary accessory uses including parsonages, day care and meeting rooms, subject to the provisions of the supplementary district regulations;
8. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;
9. quasi-institutional houses;
10. day care, 30 children or less.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures, or permitted by Conditional Use;
2. storage in connection with trade, service or manufacturing activities;
3. junkyards;
4. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection. A lot shall have the following minimum area and width.

Use	Minimum Square Lot Area	Footage Lot Width
a. Single-family dwellings or one mobile home	7,000	50
b. Two-family dwellings	13,000	100
c. 3-family dwellings	19,000	100
d. 4-family dwellings	25,000	100
e. 5 or more families	30,000 plus 5,000 sq. ft. for each dwelling unit in excess of 5.	150

2. In a cluster housing development conforming to Section 21.45.190. A lot that is not part of the common area shall have a minimum area and width in accordance with that section.

G. Minimum yard requirements:

1. front yard:* 20 ft.
2. side yard: 5 ft.
3. rear yard: 10 ft.

* See supplementary district regulations for additional setback requirements.

H. Maximum lot coverage by all buildings: 30%, provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.180.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050F, am AO 80-27, AO 81-67S, AO 82-54).

21.40.080 R-6 — Suburban Residential District (Large Lot).

The following statement of intent and use regulations shall apply in the R-6 district:

A. The R-6 district is intended for those land areas where large lots or acreage development is desirable as an adjunct to the more typical urban and suburban residential zoning districts. The R-6 district is designed to encourage low-density residential development while at the same time protecting and enhancing those physical and environmental features which add to the desirability of suburban residential living.

B. Permitted principal uses and structures:

1. single-family, two-family, and multiple-family dwellings, provided, however, that a mobile home may be used for temporary living quarters for not more than 18 months

while the dwelling is being constructed. (Only a single principal structure may be allowed on any lot or tract);

a. Before a mobile home will be permitted, the owner of the property or the person intending to occupy the mobile home shall secure a permit from the administrative officer. Such permit shall only be granted upon a signed statement by the permittee that a permanent dwelling will be constructed within 18 months.

b. In the event that a permitted residential structure is damaged by fire, earthquake or other natural cause to the extent that it is uninhabitable, a permit may be issued for occupancy of a mobile home during the period that the structure is being rehabilitated or repaired, but in no event shall a permit be for a period greater than 18 months.

c. Only one mobile home during the construction or repair of a permanent dwelling shall be permitted on any parcel of land.

2. public, private and parochial academic elementary and secondary schools;
3. parks, playgrounds, playfields, public buildings and uses in keeping with the character and requirements of the district;
4. the raising of vegetables, produce, fruit crops, nursery plants, and the like, including a temporary stand for the sale of products grown on the premises;
5. family residential care.

C. Permitted accessory uses and structures:

1. home occupation, subject to provisions of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits, workshops;
3. private garages;
4. the outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all Titles of this Code. Paddocks, stables or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from any lot line;
5. private storage in yards of equipment including trucks, boats, aircraft, campers or

travel trailers, in a safe and orderly manner and separated by at least 25 feet from any property line;

6. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. airstrips and heliports;
2. utilities substations;
3. churches and synagogues, along with the customary accessory uses, including parsonages, day care and meeting rooms;
4. Planned Unit Development;
5. natural resource extraction for subdivision development only, on tracts of not less than five acres;
6. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;
7. quasi-institutional houses;
8. 24 hour child care and day care facilities.

E. Prohibited uses and structures:

1. any commercial, industrial or similar use not of a character indicated under permitted uses and structures, or permitted by Conditional Use;
2. storage in connection with trade, service or manufacturing activities;
3. quonset huts;
4. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection a lot shall have the following minimum area and width:

Use	Minimum Requirements*		
	Lot Area (sq. ft)**	Acres	Lot Width (ft.)
a. Single-family dwellings	54,450	1¼	150
b. Two-family dwellings	108,900	2½	200
c. 3-family dwellings	163,350	3¾	250
d. 4-family dwellings	217,800	5	300
e. 5 or more families	261,360 plus one acre (43,560 sq. ft.) for each dwelling unit in excess of 5.	6	350

* Includes ½ of the area of abutting dedicated right-of-way.

** Individual lot square footage may vary up to 1%.

2. In a cluster housing development conforming to Section 21.45.190, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

G. Minimum yard requirements:

1. front yard: 50 ft.
2. side yard: 25 ft.
3. rear yard: 50 ft.

* See the supplementary district regulations for additional setback requirements.

H. Maximum lot coverage by all buildings: 30%, provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

I. Maximum Height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. Ground cover. All areas not devoted to buildings, structures, drives, walks or off-street parking facilities or other authorized installations shall be covered with one or more of the following: lawn grass, shrubbery, trees or other suitable ground cover materials. (Adapted from GAAB 21.05.050G, am AO 80-27, AO 81-67S, AO 82-54).

21.40.090 R-7 — Intermediate Rural Residential District.

The following statement of intent and use regulations shall apply in the R-7 district:

A. The R-7 district is designed to encourage low-density residential development, and is intended for those land areas where large lot development is desirable as an adjunct to the more typical urban and suburban residential zoning districts.

B. Permitted principal uses and structures:

1. single-family, two-family and multiple-family dwellings. (Only a single principal structure may be allowed on any lot or tract);
2. public, private and parochial academic elementary schools;
3. high schools with primarily academic curricula, provided that principal access to such schools shall be directly from a street of Class I or greater designation upon the Official Streets and Highways Plan;
4. parks, playgrounds, playfields, public buildings and uses in keeping with the character and requirements of the district;
5. family residential care.

C. Permitted accessory uses and structures:

1. home occupation, subject to provisions of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits;
3. private garages;
4. the outdoor harboring or keeping of dogs,

animals and fowl in a manner consistent with the requirements of all Titles in this Code. Paddocks, stables or similar structures or enclosures which are utilized for keeping of animals other than dogs shall be at least 25 feet from any lot line;

5. family care;
6. private storage in yards of equipment including trucks, boats, aircraft, campers or travel trailers, in a safe and orderly manner and separated by at least 25 feet from any property line.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. airstrips and heliports, if adequate approach and noise buffer areas are provided;
2. utilities substations;
3. churches and synagogues, along with the customary accessory uses, including parsonages, day care and meeting rooms;
4. Planned Unit Development;
5. natural resource extractions on tracts of not less than five acres;
6. commercial greenhouses and tree nurseries;
7. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;
8. quasi-institutional houses;
9. day care, 30 children or less.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
2. storage in connection with trade, service or manufacturing activities;
3. storage or use of mobile homes or quonset huts;
4. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, humidity, heat or glare at or beyond

any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection a lot shall have the following minimum area and width:

Use	Minimum Requirements	
	Lot Area (sq.ft.)	Lot Width (ft.)
Single-family dwelling	20,000	120
	plus an additional 20,000 sq. ft. for each dwelling unit in excess of 1.	
	2. In a cluster housing development conforming to Section 21.45.190, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.	

G. Minimum yard requirements:

1. front yard: 25 feet
2. side yard: 10 feet
3. rear yard: 20 feet

*See supplementary district regulations for additional setback requirements.

H. Maximum lot coverage by all buildings: 30%, provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

I. Maximum height of structures: 35 feet or three stories.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provision of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050H, am AO 80-27, AO 81-61S, AO 82-54).

21.40.100 R-8 — Rural Residential District

The following statement of intent and use regulations shall apply in the R-8 district:

A. The R-8 district is primarily designed to satisfy the needs of low-density residential development in areas where topographic or other natural conditions are such that higher density development and the provision of public sewers and water would be unfeasible at any time. In addition to topography, some of the natural conditions which could exist to render land desirable for the densities proposed in this zone are wind hazards, marginal soils, landslide susceptibility, ground water pollution, and ground water availability. A secondary use of the R-8 district is to allow for low-density residential development in areas where public sewers and water are unlikely to be provided in the foreseeable future and where higher density development would exceed geological and hydrological capacities for safe and healthful human habitation unless these facilities are provided. An example of such a condition would be where higher density development in certain water recharge areas, utilizing on-site sewage disposal systems, could pollute the ground water supply in the immediate areas as well as in areas of lower elevation.

Although the intent of this zone is to establish an average density throughout its area of geographical application which conforms to the lot area requirements of subsection F hereof, it is not the intent to establish that density uniformly throughout such areas of application. It is contemplated that there will be parcels in areas zoned R-8 which will have natural characteristics that would allow higher residential densities on those particular parcels with no adverse effect on the surrounding land. In these cases, the use of development techniques, such as clustering of lots of dwelling units, is accepted as being a permitted form of development. Where proposed development differs from the norm established in the specific requirements of this zone (including subsection F hereof), the planned unit development procedure will be the tool to be utilized in petitioning for the development pattern desired.

B. Permitted principal uses and structures:

1. single-family dwellings and duplexes, provided, however, that a mobile home may be used for temporary living quarters for not more than 18 months while the dwelling is being constructed. (Only a single principal structure may be allowed on any lot or tract);

- a. Before a mobile home will be permitted, the owner of property or the person intending to occupy the mobile home shall secure a permit from the administrative officer. Such a permit shall only be granted upon a signed statement by the permittee that a permanent dwelling will be constructed within 18 months;
- b. In the event that a permitted residential structure is damaged by fire, earthquake or other natural cause to the extent that it is uninhabitable, a permit may be issued for occupancy of a mobile home during the period that the structure is being rehabilitated or repaired, but in no event shall a permit be for a period greater than 18 months;
- c. Only one mobile home during the construction or repair of a permanent dwelling shall be permitted on any parcel of land.

2. family residential care.

C. Permitted accessory uses and structures:

1. home occupation, subject to the provisions of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits, workshops;
3. private garages;
4. the outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all Titles of this Code. Paddocks, stables, or similar structures or enclosures which are utilized for keeping of animals other than dogs shall be at least 50 feet from any lot line;
5. private storage in yards of equipment including light trucks, boats, campers or travel trailers, in a safe and orderly manner and separated by a distance of 50 feet from any property line;
6. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. Planned Unit Developments;
2. one to four single-family dwellings or duplexes which are intended to be developed on individual lots of 2.5 or 5 acres, respectively. Any contemplated development

which includes more lots or units would be required to apply for a Planned Unit Development. Standards for this Conditional Use shall be as set forth in subsection A hereof, and, where applicable, as set forth in the standards for a residential planned unit development.

3. churches and synagogues along with the customary accessory uses including parsonages, day care and meeting rooms;
4. utilities substations;
5. certain nonresidential uses which are not intensive in nature such as repair shops, art studios, insurance and real estate offices, commercial nurseries, boarding kennels and veterinary clinics, and business and professional offices which, for some reason, do not meet the definition of home occupation, provided that such uses are operated by a person or persons living on the premises. In reviewing Conditional Use applications for these uses, the Commission shall give primary consideration to the magnitude and intensity of such uses to ensure that their impact on the residential character of the area is minimal;
6. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval.
7. 24-hour child care and day care facilities.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures, or permitted as a Conditional Use;
2. quonset huts;
3. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare, or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection a lot shall have the following minimum area and width:

Use (sq. ft.)	Minimum Requirements*	
	Lot Area Acres	Lot Width (ft.)
a. Single-family	217,800	5.0 300
b. Duplexes	326,700	7.5 300

*Includes 1/2 of the area of abutting dedicated right-of-way.

2. In a cluster housing development conform to Section 21.45.190, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

G. Minimum yard requirements:

1. front yard: 25 feet
2. side yard: 15 feet
3. rear yard: 25 feet

- H. Maximum lot coverage by all buildings: 5%, provided that a cluster development under Section 21.45.190 shall conform to the maximum lot coverage requirement of that section.**

- I. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal permitted structure shall exceed 35 feet in height. Accessory buildings shall not exceed 25 feet in height.**

- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.**

- K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.**

- L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050U, AO 80-27, AO 81-67S, AO 82-54).**

21.40.110 R-9 — Rural Residential District.

The following statement of intent and use regulations shall apply in the R-9 district:

- A. The R-9 district is designed to satisfy the needs for low-density residential development in areas where public sewers and water are unlikely to be provided for a considerable period of time or where topographic or other natural conditions**

are such that higher density development and the provision of public sewers and water would be unfeasible at any time. In the first instance, where public facilities may be provided in the distant future, the regulations are written to ensure that development during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation, while still allowing for the maintenance of a rural life style. In the second instance, where natural conditions would make higher densities and the provision of public facilities unfeasible, the regulations would fill a need on those lands where the application of R-6 zoning would be inadequate for the characteristics of the land, while R-8 zoning would be too restrictive. Application of the R-9 zoning district most probably in these instances would include lands which have hazards from the standpoint of water recharge areas, steep slopes, wind hazard, and marginal soil conditions. In many cases, this zone would be applied to lands which have, without zoning, been developed at these standards.

Although the intent of this zone is to establish an average density throughout its area of application which conforms to the lot area requirements of subsection F hereof, it is not necessarily the intent to establish that density uniformly throughout such areas of application. Where proposed development differs from the norm established in the specific requirements of this zone, the Planned Unit Development procedure will be the tool utilized in petitioning for the development pattern desired.

B. Permitted principal uses and structures:

1. single-family dwellings and duplexes, provided, however, that a mobile home may be used for temporary living quarters for not more than 18 months while the dwelling is being constructed (only a single principal structure may be allowed on any lot or tract);
 - a. Before a mobile home will be permitted, the owner of the property or the person intending to occupy the mobile home shall secure a permit from the administrative officer. Such a permit shall only be granted upon a signed statement by the permittee that a permanent dwelling will be constructed within 18 months;
 - b. In the event that a permitted residential structure is damaged by fire, earthquake, or other natural cause to the extent that it is uninhabitable, a permit may be issued for occupancy of a

mobile home during the period that the structure is being rehabilitated or repaired, but in no event shall a permit be for a period greater than 18 months;

- c. Only one mobile home during the construction or repair of a permanent dwelling shall be permitted on any parcel of land;

2. family residential care.

C. Permitted accessory uses and structures:

1. home occupation, subject to provision of the supplementary district regulations;
2. noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits, workshops;
3. private garages;
4. the outdoor harboring or keeping of dogs, animals, and fowl in a manner consistent with the requirements of all Titles of this Code. Paddocks, stables, or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 50 feet from any lot line;
5. private storage in yards of equipment including light trucks, boats, campers or trailers, in a safe and orderly manner and separated by a distance of 50 feet from any property line;
6. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. Planned Unit Developments;
2. churches and synagogues along with the customary accessory uses including parsonages, day care and meeting rooms;
3. utilities substations;
4. certain nonresidential uses which are not intensive in nature such as repair shops, art studios, insurance and real estate offices, commercial nurseries, boarding kennels and veterinary clinics, and business and professional offices which, for some reason, do not meet the definition of a home occupation provided that such uses are operated by a person or persons living on the premises. In reviewing Conditional Use applications for these uses, the Commission shall give primary consideration to the mag-

nitude and intensity of such uses to ensure that their impact on the residential character of the area is minimal;

5. natural resource extraction for subdivision development only on tracts of not less than five acres;
6. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval;
7. 24 hour child care and day care facilities.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated permitted uses and structures, or permitted as a Conditional Use;
2. quonset huts;
3. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare, or convenience.

F. Minimum lot requirements:

1. Except as provided in 2 of this subsection, a lot shall have the following minimum area and width:

Use	Minimum Requirements*		
	Lot Area (sq. ft.)**	Acres	Lot Width (ft.)
a. single-family dwelling	108,900	2.50	180
b. duplexes	163,350	3.75	180

*Includes 1/2 the area of abutting dedicated right-of-way.

**Individual lot square footage may vary up to 1%.

2. In a cluster housing development conforming to Section 21.45.190, a lot that is not part

of the common area shall have a minimum area and width in accordance with that section.

G. Minimum yard requirements:

1. front yard: 25 feet
2. side yard: 15 feet
3. rear yard: 25 feet

H. Maximum lot coverage by all buildings: 5%, provided that a cluster housing development under Section 21.45.190 shall conform to the maximum lot coverage requirements of that section.

I. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal permitted structure shall exceed 35 feet in height. Accessory buildings shall not exceed 25 feet in height.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, as specified in Section 21.45.080.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050V, am AO 80-27, AO 81-67S, AO 82-54).

21.40.115 R-10 — Residential Alpine/Slope District.

The following statement of intent and use regulations shall apply in the R-10 district:

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

1. Enhance and provide stability to natural features such as ponds, streams, wetlands and forested areas, and will incorporate such features into the development of the site design;
2. Take into consideration the topography and the location of all physical improvements on the land;
3. Avoid development of land within geologic hazard areas to minimize the possibility of loss of life and/or property damage;

4. Promote the natural flow and storage capacity of any water course, to minimize the possibility of flooding or alteration of water boundaries;
5. Consider the suitability of the soils and subsoils conditions for excavations, site preparation and on-site sewage disposal;
6. Consider the adequacy of the site drainage to avoid erosion and to control surface runoff in compliance with Section 208 of the Public Law 91-500, the 1972 Clean Water Act; the surface runoff and drainage from developments should not exceed the surface runoff and drainage in its natural undeveloped state for all intensities and durations of surface runoff;
7. Guarantee an adequate supply of potable water for the site development, without destruction or depletion of the water source;
8. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

B. Permitted principal uses and structures:

1. Single-family dwellings (only a single principal structure to be allowed on any lot or tract);
2. Parks, playgrounds and play fields;
3. Cluster housing in accordance with Section 21.45.190.

C. Permitted accessory uses and structures:

1. Home occupations subject to the provisions of the supplementary district regulations;
2. Non-commercial greenhouses, gardens, storage sheds, garden sheds, tool sheds, private barbeque pits and work shops;
3. Private garages;
4. The outdoor harboring or keeping of dogs, animals and fowl in a manner consistent with the requirements of all the Titles of this Code. Paddocks, stables, or similar structures or enclosures which are utilized for the keeping of animals other than dogs shall be at least 25 feet from a lot line;
5. Private storage and yards of non-commercial equipment, including non-commercial trucks, boats, aircraft, campers or travel trailers in a safe and orderly manner and separated by at least 25 feet from any property line.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. Utility substations;
2. Churches and synagogues, along with the customary accessory uses, including parsonages, day care and meeting rooms;
3. Planned unit development;
4. Commercial recreation uses on sites of 20 acres or more.

E. Prohibited uses and structures:

1. Any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
2. Storage or use of mobile homes or quonset huts;
3. Any use which causes or may be reasonably expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district and their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Lot and site requirements:

1.

Average Slope* of Lot in %	Minimum Requirements	
	Lot Area** (acres)	Lot Width (feet)
more than 30.00	7.5	300
25.01 - 30.00	5.0	300
20.01 - 25.00	2.5	180
15.01 - 20.00	1.25	100
15.00 or less	.5	100
Maximum All Buildings	Cover Impervious Surfaces	Maximum Units Per Acres
3%	8%	.133
5%	10%	.2
8%	14%	.4
10%	20%	.8
25%	40%	2.0

*Average Slope is calculated by the following formula:

$$S = \frac{I \times L \times .0023}{A}$$

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

When one-third or more of required soil borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the charts above.

**Includes one-half of the area of abutting dedicated rights-of-way.

2. Minimum yard requirements:

- a. front yard: None
- b. side yard: 25 feet
if average slope exceeds 30%
- c. rear yard: None

3. No construction or excavation shall be permitted within 100 feet of the mean high water line of any stream, lake or other permanent body of water.

G. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal structure shall exceed 2½ stories or 25 feet in height. Accessory buildings shall not exceed 18 feet in height.

H. Signs. Signs may be allowed in connection with any permitted use subject to the provisions of the supplementary district regulations.

I. Parking. Adequate off-street parking shall be provided in connection with any permitted use as provided in Section 21.45.080.

J. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

K. Ground cover and revegetation. Ground cover and vegetations shall be maintained to control erosion and sedimentation. All areas that are denuded for any purpose shall be revegetated or the soils stabilized to prevent erosion and sedimentation prior to November 1 in the year of construction. No excavation shall be permitted after November 1 or before May 1 except under emergency conditions, as determined by the building official. (AO 81-97, am AO 81-217).

21.40.120 D-2, D-3 — Residential Development Districts.

The following statement of intent and use regulations shall apply in the D-2 and D-3 districts:

A. The "D" classification is intended to be applied to substantial tracts of urban or suburban land which are planned for eventual residential use, but have lagged behind the general development of the area in which they are located.

The purpose of this classification is to permit the developer a maximum freedom to employ modern residential building and site planning ideas, and yet to assure a standard of development at least as high as in the corresponding R-2 and R-3 districts. It is also intended to encourage the proper utilization of land so as to achieve reasonable efficiency in the use of public utilities, streets and other facilities.

Public and institutional uses are permitted, but only on major streets and subject to large yard requirements. A variety of temporary uses may be permitted by Conditional Use where permanent development is not imminently anticipated.

Residential densities are similar to the R-2 and R-3 districts, but buildings may be placed more freely on the lot, so long as the proper lot area, visibility at driveways, and usable yards are provided.

B. Permitted principal uses and structures. D-2 district uses are the same as R-2 district uses. D-3 district uses are the same as R-3 district uses. In addition, all uses permitted in PLI district are permitted in "D" districts provided that principal access to uses permitted shall be directly from streets of Class I or greater designation upon the Official Streets and Highways Plan, and provided further that all restrictions applying in PLI districts shall be observed.

C. Permitted accessory uses and structures:

- 1. D-2: same as R-2 districts;
- 2. D-3: same as R-3 districts.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

- 1. D-2: same as R-2 districts;
- 2. D-3: same as R-3 districts.

In addition, Conditional Uses may be granted in the D-2 and D-3 districts for the following:

- 1. natural resource extraction on tracts of not less than five acres;
- 2. commercial farming on tracts of 10 acres or more, including the storage, at least 50 feet from any property line, of farm equipment, used on the same tract;

3. radio and television transmission towers;
 4. open recreation uses, including commercial recreation uses, for the period of time to be determined by the Planning Commission;
 5. residential Planned Unit Development.
- E. Prohibited uses and structures:
1. D-2 district: same as R-2 district;
 2. D-3 district: same as R-3 district.
- F. Minimum lot requirements:
1. D-2 district: same as R-2 district;
 2. D-3 district: same as R-3 district.
- G. Minimum yard requirements:
1. D-2: same as R-2 districts;
 2. D-3: same as R-3 districts.
- H. Maximum lot coverage by all buildings: 40%.
- I. Maximum height of structures. Except as otherwise provided in this title, no portion of a principal structure shall exceed three stories or 35 feet in height. Accessory buildings shall not exceed 12 feet in height.
- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be:
1. residential uses: one vehicular parking space for each dwelling unit;
 2. all other permitted uses: as provided in the supplementary district regulations.
- L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. (Adapted from GAAB 21.05.050T).

21.40.130 R-O — Residential-Office District.

The following statement of intent and use regulations shall apply in the R-O district:

- A. The R-O district is intended to include urban

and suburban residential and professional office uses that are needed and appropriate in areas undergoing a transition, or in areas where commercial uses might be damaging to established residential neighborhoods.

The R-O district is further intended to provide a mix of low- to medium-density residential uses with certain specified business, personal and professional services that can function efficiently without generating large volumes of vehicular traffic. The regulations and restrictions in the R-O district are intended to protect, preserve and enhance the residential uses while permitting uses characterized principally by consultative services or executive, administrative or clerical procedures.

- B. Permitted principal uses and structures:

1. single-family, two-family and multiple-family dwellings;
2. hotels, motels, and motor lodges on sites with a minimum of 14,000 square feet, provided that principal access to such uses shall be from streets of Class I or greater designation on the Official Streets and Highways Plan;*
3. boarding and lodging houses;
4. private clubs and lodges;*
5. parks, playgrounds and playfields, municipal buildings in keeping with the character of the district;
6. museums, historic and cultural exhibits, libraries and the like;
7. family residential care, day care and 24 hour child care facilities;
8. public, private and parochial academic schools;
9. hospitals, nursing homes, convalescent homes, homes for the aged, medical clinics, medical and dental laboratories, research centers, and the like;
10. offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences;
11. accounting, auditing and bookkeeping services;
12. engineering, surveying and architectural services;
13. attorneys and legal services;
14. real estate service and appraisers;

15. stock and bond brokerage services;
16. insurance services;
17. photographic services;
18. funeral services, provided, however, that crematoriums are specifically prohibited;
19. banks, savings and loan associations, credit unions and similar financial institutions;
20. private employment agencies, placement services and temporary personnel services.
21. Headquarters or administrative offices for such charitable or eleemosynary organizations as Red Cross, Tuberculosis Society, Cancer Society, Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of a non-commercial nature.

*Uses involving the sale, dispensing or service of alcoholic beverages may be allowed by Conditional Use only.

C. Permitted accessory uses and structures:

1. accessory uses incidental to any of the principal uses above listed;
2. hotels, motels, or motor lodges having 20 or more rental units may include personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.
3. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted.

1. town houses, row houses and office buildings built to a common wall at side lot lines;
2. churches and synagogues, along with the customary accessory uses including parsonages, day care and meeting rooms;
3. utilities substations;
4. off-street parking spaces or structures;
5. Planned Unit Development;
6. privately owned neighborhood community recreation centers in keeping with the character and requirements of the district, provided the center is oriented to a particular residential subdivision or housing project and that the uses within are delineated as conditions to approval.

7. Quasi-Institutional Houses.

E. Prohibited uses and structures:

1. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
2. storage or use of mobile homes or quonset huts;
3. any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

F. Minimum lot requirements:

Use	Lot Area (sq. ft.)	Lot Width (ft.)
1. single-family dwelling	6,000	50
2. two-family dwelling	6,000	50
3. 3-through 10-family dwelling	6,000	50

4. Apartment buildings for 11 or more families may only be constructed on sites having a minimum area of 14,000 square feet and minimum frontage of 100 feet on a Class I or greater street, and shall be limited by a floor area ratio (F.A.R.)* of 2.0, and subject to the yard requirements of this section.

*Floor area ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. (F.A.R. of 2.0 provides for 28,000 gross square feet of building on a lot with an area of 14,000 square feet.)

5. all other permitted uses:
 - a. lot area: 6,000 sq. ft.
 - b. lot width: 50 ft.

G. Minimum yard requirements:

1. front yard: 10 feet, except as provided in the supplementary district regulations;
2. side yard: single-family, two-family and multiple-family dwellings: 5 feet, provided, however, that where buildings exceed 35

feet in height, minimum side yards shall be increased one foot for each five feet in height exceeding 35 feet;

all other permitted uses: none, provided, however, that if any side yard is provided, it shall not be less than five feet; the purpose being that adjoining buildings shall either directly abut or shall maintain a minimum of five feet between such buildings;

3. rear yard: 10 feet;
4. multiple-family dwellings shall provide a usable yard area of 100 sq. ft. per dwelling unit.

H. Maximum lot coverage by all buildings:

1. single-family, two-family, and multiple-family dwellings: 50%;
2. all other permitted uses: unrestricted.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be:

1. residential uses: one vehicular parking space for each dwelling unit;
2. all other permitted uses: as provided in the supplementary district regulations.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, or other authorized installations shall be covered with one or more of the following: lawn grass, shrubbery, trees or other suitable ground cover materials. (Adapted from GAAB 21.05.050I, AO 70-199, AO 77-219, AO 80-57, am AO 81-67S).

21.40.140 B-1 — Local and Neighborhood Business District.

The following statement of intent and use regulations shall apply in the B-1 district:

A. The purpose of the B-1 district is to encourage

the establishment of areas for convenience business uses which tend to meet the daily needs of local and nearby neighborhoods. The district is intended to be small and compactly designed.

B. Permitted principal uses and structures:

1. grocery stores, delicatessens and food specialty shops;
2. meat and seafood markets;
3. retail bakeries;
4. hardware stores;
5. shoe repair shops;
6. bookstores and stationery stores;
7. drugstores;
8. self-service laundry and self-service dry cleaning shops;
9. beauty shops;
10. barbershops;
11. restaurants, tearooms, cafes, and other places serving food or beverages conducted entirely within fully enclosed buildings, but specifically excluding any drive-in eating facilities;*
12. knit shops, yarn shops, dry goods, dress-making and notions stores;
13. small appliance repair shops;
14. photography studios, art studios;
15. post offices;
16. on-premises dry cleaning establishments using a perchlorethylene process or similar nonflammable, nonaqueous solvent, provided, however, that large commercial and industrial laundry and dry cleaning plants are prohibited;
17. laundry and dry cleaning pickup stations;
18. single-family and two-family dwellings;
19. noncommercial parks, playgrounds, and government buildings in keeping with the character of the district;
20. libraries;
21. medical and dental offices; and offices of attorneys, accountants, engineers and other professions regulated under State Law;
22. family residential care, day care and 24 hour child care facilities.
23. insurance and real estate offices.

*Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

C. Permitted principal uses and structures subject to maximum gross floor area limit:

1. department or variety stores: 4,000 sq. ft.;
2. clothing store: 3,000 sq. ft.;
3. furniture and home appliances store: 3,000 sq. ft.;
4. catalog showroom: 2,000 sq. ft.;
5. music and record store: 1,400 sq. ft.;
6. hobby store: 1,400 sq. ft.;
7. florist: 1,200 sq. ft.;
8. gift and card shop: 1,000 sq. ft.;
9. bank or similar financial activity with predominant service to local depositors and customers, not including drive-in facilities: 3,000 sq. ft.;
10. frozen food locker: 1,400 sq. ft.
11. local administration offices for charitable and eleemosynary agencies of a noncommercial nature: 1,000 sq. ft.

D. Permitted accessory uses and structures. Accessory uses and structures customarily incidental to any permitted principal uses listed in subsections B or C hereof. In the same structure as a permitted principal use, one dwelling unit may be occupied as an accessory use.

E. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. gasoline service stations;
2. off-street taxicab stands;
3. drive-in banks with sufficient off-street area for maneuvering and waiting automobiles;
4. utility substations;
5. churches and synagogues, along with the customary accessory uses, including parsonages, day care and meeting rooms;
6. off-street parking spaces or structures;
7. museums, historical and cultural exhibits and the like;
8. Planned Unit Development;
9. mini-storage;
10. mechanical car wash, if operated in conjunction with a gasoline station.

F. Prohibited uses and structures:

1. drive-in eating establishments;
2. commercial recreation establishments, including, bowling alleys, pool halls, amusement arcades and the like;
3. any use of a kind not permitted in this district, or which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in the customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

G. Minimum lot requirements:

1. lot area: 6,000 sq. ft.;
2. lot width: 50 ft.

H. Minimum yard requirements:

1. residential uses:
 - a. front yard: 20 ft.
 - b. side yard: 5 ft.
 - c. rear yard: 10 ft.
2. all other uses:
 - a. front yard: 20 feet, provided however, that no structure shall be built closer than 30 feet from the centerline of any Class I street, nor closer than 40 feet from the centerline of any Class II street as designated on the Official Streets and Highways Plan;
 - b. side yard: 10 feet, where the lot adjoins a residential district boundary; otherwise, none, provided, however, that if any side yard is provided, it shall be not less than five feet, the purpose being that adjoining commercial buildings shall either directly abut or shall maintain a minimum of five feet between such buildings;
 - c. rear yard: 25 feet, in addition, where the rear of the lot adjoins a residential district boundary, a sight-obscuring fence not less than six feet in height shall be erected and maintained along the rear line that abuts an alley or such residential boundary. In cases where the rear

line of the lot adjoins other land in a business district, the required rear yard shall be five feet.

- I. Maximum lot coverage by all buildings: 50%.
- J. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal structure shall exceed two stories or 25 feet in height.
- K. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- L. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be:
 - 1. residential uses: one vehicular parking space for each dwelling unit;
 - 2. all other permitted uses: as provided in the supplementary district regulations.
- M. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- N. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, or other authorized installations shall be covered with one or more of the following: concrete or asphaltic compound, gravel, lawn grass, shrubbery, trees or other suitable ground cover materials. (Adapted from GAAB 21.05-.050J, am AO 78-28, AO 78-169, AO 81-67S, AO 81-143).

21.40.150 B-2A — Central Business District Core.

The following statement of intent and use regulations shall apply to the B-2A district:

- A. The B-2A district is intended to create a concentrated area of retail and retail-related facilities in combination with office uses in order to reduce the pedestrian's walking distance between major retail/commercial generators and to further ensure the development of compatible retail uses on the ground floor level of all developments within the district.
- B. Permitted principal uses and structures:
 - 1. principal uses permitted when visible from street level and/or occupying street level floor space:
 - a. department stores, general merchandise and dry goods stores;
 - b. men's, women's and children's clothing, apparel and shoe stores;

- c. miscellaneous apparel and accessory shops;
- d. furriers;
- e. jewelry stores;
- f. furniture and home furnishing stores;
- g. radio, television and music stores;
- h. hardware and variety stores;
- i. sporting goods stores and bicycle shops;
- j. drugstores;
- k. bookstores, stationery stores and newsstands;
- l. restaurants, tea rooms, cafes and other places serving food and beverages;*
- m. florists;
- n. tobacco stores;
- o. camera and photographic shops;
- p. gift, novelty and souvenir shops;
- q. art studios, art supply stores and picture framing shops;
- r. beauty shops and barbershops;
- s. shoe repair shops and tailors;
- t. travel agencies and ticket brokers;
- u. motion picture theaters;
- v. banking and financial institutions, excluding any drive-in facilities;
- w. hotels and motels;*
- x. pet shops;
- y. laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like;
- z. food and liquor stores.*
- aa. family care, family residential care, day care, and 24-hour child care facilities.

*Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

- 2. principal uses permitted when not visible from street level and occupying street level floor space:

- a. business and professional offices including insurance, real estate, medical, health and legal services;
 - b. taxidermy shops;
 - c. wholesale stores for jewelry, optical and photographic goods, pharmaceuticals and cosmetics and the like;
 - d. telephone exchange;
 - e. radio and television studios;
 - f. small appliance repair shops;
 - g. employment agencies.
3. principal uses permitted on other than street level floor space:
- a. all uses identified within subsections B.1 and B.2 of this section;
 - b. trade or business schools, provided that such schools do not involve use or storage of heavy equipment or machinery;
 - c. fraternal clubs;
 - d. art, dance and music studios;
 - e. printing and publishing establishments;
 - f. business and professional offices, including insurance, real estate, medical, health and legal services.
- C. Permitted accessory uses and structures: uses and structures customarily accessory to and clearly incidental to permitted principal uses and structures.
- D. Conditional Uses. Subject to the requirements of Conditional Use standards and procedures of this Title, the following uses may be permitted:
- 1. government office buildings, libraries and museums;
 - 2. heliports;
 - 3. auditoriums, amusement arcades, skating rinks, meeting halls, bowling alleys, dance halls, cultural exhibits and the like;
 - 4. parking garages located in other than street level floor space;
 - 5. Planned Unit Developments;
 - 6. marquees, pedestrian overpasses, and similar projections into public airspace, together with any signs to be mounted thereon;
 - 7. kiosks, outdoor restaurants and the like;
 - 8. apartments, condominiums and housing for the elderly;
 - 9. interior climate-controlled gallerias which are created by the connection of two or more buildings. The bulk regulations contained in subsection H hereof shall not be applicable to gallerias created in the above described manner;
 - 10. Quasi Institutional House;
 - 11. utility substations.
- E. Minimum lot requirements:
- 1. lot area: 6,000 sq. ft.
 - 2. lot width: 50 ft.
- F. Minimum yard requirements: none, except as provided in the supplementary district regulations.
- G. Base height of structures. Base height of structures is nine stories, above which increases shall be permitted by the bonus point point/option provisions in subsection J of this section, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.
- H. Bulk regulations and maximum lot coverage. Buildings may be constructed within the full limits of the lot, up to three stories in height. Above three stories in height, construction shall conform to the bulk requirements set forth below: One tower not exceeding the bulk requirements outlined in 1 and 2 below shall be allowed for a development on a parcel of land containing 13,000 square feet or fraction thereof, or one tower not exceeding the bulk requirements outlined in 3 and 4 below for a development on a parcel of land containing 19,500 square feet. For a development on a parcel of land containing more than 19,500 square feet, one additional tower not exceeding the bulk requirements outlined in 1 and 2 below shall be allowed for every additional 13,000 square feet of land area, or alternatively, one additional tower not exceeding the bulk requirements outlined in 3 and 4 below for every additional 19,500 square feet of land area.
- 1. maximum plan dimension: 130 feet;
 - 2. maximum diagonal plan dimension: 150 feet;
 - 3. maximum plan dimension: 130 feet;
 - 4. maximum diagonal plan dimension: 180 feet.
- Variances from the specific bulk requirement

dimensions listed in this section may be granted by the Board of Examiners and Appeals on developments covering a land area of more than 26,000 square feet provided that they find the spirit and intent of this district is maintained and provided that a recommendation of the Planning Commission is first received.

- I. Notwithstanding the bulk regulations and maximum lot coverage limitations contained in subsection H hereof, where a lawful structure exists at the effective date of adoption of this Title that is prestressed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories.
- J. Bonus point/option incentives. Increases over the base height permitted by subsection G hereof shall be allowed through a system of "bonus points" accumulated by providing and incorporating certain design amenities into the specific site development plan approved by the Department of Community Planning. Each bonus point would permit an additional 400 square feet of floor space. All new development must accumulate a minimum of one bonus point for each 1,400 square feet of site to be approved; beyond that, any extra points would go toward granting additional floor space. No more than one bonus point per each 200 square feet of site can be accumulated for any single amenity option unless otherwise indicated in this section. Bonus points can be obtained by combing any of the following options;

Urban design amenity	Bonus points
street trees	1 pt. per tree
seating units	1 pt. per 2 units (maximum accumulation of 6 pts.)
sidewalk texture	1 pt. per 200 sq. ft.
bike racks	1 pt. per 5 storage units (maximum accumulation of 4 pts.)
canopy over sidewalk	1 pt. per 60 sq. ft. (w/heating) 1 pt. per 70 sq. ft. (w/o heating)
covered arcade	1 pt. per 40 sq. ft. (w/heating) 1 pt. per 60 sq. ft. (w/o heating)

open-air plaza, landscaped parks or preservation of natural areas	1 pt. per 80 sq. ft.
public restrooms at ground level	1 pt. per 70 sq. ft.
climate-controlled public plaza or court (galleria)	1 pt. per 40 sq. ft.
interior shopping mall	1 pt. per 100 sq. ft.
shops facing street at ground level	1 pt. per 100 sq. ft.
commercial theater	1 pt. per 200 sq. ft.
public "developed," "recreation" area on the roof or public viewing deck	1 pt. per 120 sq. ft.
apartment housing, etc.	4 pts. per 400 sq. ft. of housing
hotels	2 pts. per 400 sq. ft. of area devoted to hotel rooms.

Amenities for which bonus points have been granted must be maintained after construction of a project, provided, however, that amenities can be eliminated and other substituted on a point-for-point basis and provided further that amenities for which points have been granted can be eliminated entirely upon approval by the Planning Commission.

- K. Signs. Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- L. Parking: unrestricted.
- M. Loading. Where applicable, all of street loading shall be provided in accordance with the supplementary district regulations. (Adapted from GAAB 21.05.050W, am AO 80-57, AO 81-67S, AO 81-72).

21.40.160 B-2B — Central Business District Periphery.

The following statement of intent and use regulations shall apply in the B-2B district:

- A. The B-2B district is intended to encourage a mixture of light commercial, office, and residential uses surrounding the more heavily concentrated commercial activity within the interior portion of the central business district. The uses and height limitations within this zone are designed to preserve and enhance views. In addition, the height limitations imposed are more in

keeping with the geologic characteristics found along the western and northern boundaries of the area. Apartment living is to be encouraged in this zone in order to provide a built-in clientele for downtown activities.

B. Permitted principal uses and structures:

1. commercial-wholesale:

- a. wholesale display rooms with sample stocks, provided, however, that no manufacturing for distribution shall be permitted in connection with such wholesaling;
- b. business offices of mercantile establishments.

2. commercial-retail:

- a. all uses listed in Section 21.40.170 as permitted principal uses or structures;
- b. laundry and dry cleaning pickup stations;
- c. funeral services;
- d. on-premises dry cleaning establishments using a perchlorethylene process or similar nonflammable, nonaqueous solvent, provided, however, that large commercial industrial laundry and dry cleaning plants shall be prohibited;
- e. off-street parking lots and garages.

3. other uses:

- a. single-family, two-family, multiple-family dwellings and high-rise apartments;
- b. private clubs and lodges*;
- c. public parks and buildings.
- d. family residential care, day care and 24 hour child care facilities.

*Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

C. Permitted accessory uses and structures:

1. gasoline service stations and carwashes within off-street parking garages accommodating 30 cars or more;
2. uses and structures customarily accessory and clearly incidental to permitted principal uses and structures;
3. off-street parking lots and garages;
4. family care.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. utility substations;
2. heliports;
3. marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon;
4. Planned Unit Developments;
5. bus terminals, air passenger terminals with sufficient off-street area for maneuvering, waiting and loading vehicles;
6. pawnshops, secondhand shops, and auction rooms;
7. amusement arcades, pinball parlors, pool and billiard halls, and bowling alleys;
8. drive-in banks, with sufficient off-street parking for maneuvering and waiting automobiles;
9. gasoline service stations;
10. churches and synagogues, along with the customary accessory uses including parsonages, day nurseries, kindergartens and meeting rooms;
11. interior climate-controlled gallerias which are created by the connection of two or more buildings. The bulk regulations contained in subsection H hereof shall not be applicable to gallerias created in the above-described manner;
12. Quasi Institutional Houses;

E. Minimum lot requirements:

1. lot area: 6,000 sq. ft.
2. lot width: 50 ft.

F. Minimum yard requirements: none, except as provided in the supplementary district regulations.

G. Base height of structures. Base height of structures is three stories, above which increases shall be permitted by the bonus points/option provisions in subsection J hereof, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

H. Bulk regulations and maximum lot coverage. Buildings may be constructed within the full lim-

its of the lot, up to three stories in height. Above three stories in height, construction shall conform to the bulk requirements set forth below. One tower not exceeding the bulk requirements outlined in 1 and 2 below shall be allowed for a development on a parcel of land containing 13,000 square feet or fraction thereof, or one tower not exceeding the bulk requirements outlined in 3 and 4 below for a development on a parcel of land containing 19,500 square feet. For a development on a parcel of land containing more than 19,500 square feet, one additional tower not exceeding the bulk requirements outlined in 1 and 2 below shall be allowed for every additional 13,000 square feet of land area, or alternatively, one additional tower not exceeding the bulk requirements outlined in 3 and 4 below for every additional 19,500 square feet of land area.

1. maximum plan dimension — 130 ft.;
2. maximum diagonal plan dimension — 150 ft.;
3. maximum plan dimension — 130 ft.;
4. maximum diagonal plan dimension - 180 ft.

Variances from the specific bulk requirement dimensions listed in this section may be granted by the Board of Examiners and Appeals on developments covering a land area of more than 26,000 square feet, provided that they find that the spirit and intent of this district is maintained and provided that a recommendation of the Planning Commission is first received.

- I. Notwithstanding the bulk regulations and maximum lot coverage limitations contained in subsection H hereof, where a lawful structure exists at the effective date of adoption of this Title that is prestressed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories.
- J. Bonus point/option incentives. Increases over the base height permitted by subsection G hereof shall be allowed through a system of "bonus points" accumulated by providing and incorporating certain design amenities into the specific site development plan approved by the Department of Community Planning. Each bonus point would permit an additional 400 square feet of floor space. All new development must accumulate a minimum of one bonus point for each 1,400 square feet of site to be approved; beyond that, any extra points would go toward granting floor space. No more than one bonus point per each 200 square feet of site can be

accumulated for any single amenity option unless otherwise indicated in this section. Bonus points can be obtained by combining any of the following options:

Urban Design Amenity	Bonus Points
street trees	1 pt. per tree
seating units	1 pt. per 2 units (maximum accumulation of 6 pts.)
sidewalk texture	1 pt. per 300 sq. ft.
bike rack	1 pt. per 5 storage units (maximum accumulation of 4 pts.)
canopy over sidewalk	1 pt. per 150 sq. ft. (w/heating) 1 pt. per 170 sq. ft. (w/o heating)
covered arcade	1 pt. per 100 sq. ft. (w/heating) 1 pt. per 140 sq. ft. (w/o heating)
open-air plaza, landscaped park or preservation of natural areas	1 pt. per 115 sq. ft.
public restrooms at ground level	1 pt. per 200 sq. ft.
shops facing street at ground level	1 pt. per 200 sq. ft.
apartment housing	3 pts. per 400 sq.ft. of housing
hotels	3 pts. per 800 sq. ft. devoted to hotel rooms
public "developed," "recreation" area on roof or public viewing	1 pt. per 220 sq. ft.
enclosed parking	10 pts. per space (above or on grade) 14 pts. per space (below grade)

Amenities for which bonus points have been granted must be maintained after construction of a project, provided, however, that amenities can be eliminated and other substituted on a

point-for-point basis and provided further that amenities for which points have been granted can be eliminated entirely upon approval by the Planning Commission.

- K. Signs. Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- L. Parking: unrestricted.
- M. Loading. Where applicable, all of street loading shall be provided in accordance with the supplementary district regulations. (Adapted from GAAB 21.05.050X, am AO 80-57, AO 81-67S).

21.40.170 B-2C — Central Business District.

The following statement of intent and use regulations shall apply to the B-2C district:

A. The B-2C district is intended to encourage a mixture of commercial, office and residential uses and surrounding the more heavily concentrated Central Business District core. Specific uses are intended to protect, preserve and enhance such amenities as vistas and views of the mountains, the Inlet, and the park strip, while encouraging a logical mix of light commercial uses, personal and professional services, and office-type uses along with a high density residential use which will provide a built-in clientele for downtown commercial and office developments.

B. Permitted principal uses and structures:

1. department stores, general merchandise and dry goods stores;
2. furriers;
3. jewelry stores;
4. furniture and home furnishing stores
5. radio, television and music stores;
6. household appliance stores;
7. hardware and variety stores;
8. sporting goods stores;
9. drugstores;
10. bookstores and stationery stores;
11. retail food stores and liquor stores;*
12. restaurants, tea rooms, cafes and other places serving food and beverages;*
13. merchandise vending machine stores;
14. mail order or catalog sales stores;

15. florists;
16. tobacco stores;
17. news dealers and newsstands;
18. camera and photographic supply stores;
19. gift, novelty and souvenir shops;
20. photographic studios;
21. art studios, art supplies and picture framing shops;
22. beauty shops and barbershops;
23. shoe repair shops and tailors;
24. small appliance repair shops;
25. travel agencies, ticket brokers and auto rental agencies;
26. auditoriums, libraries, museums, historical and cultural exhibits, and the like;
27. motion picture theaters;
28. insurance and real estate offices;
29. banking and financial institutions;
30. business and professional offices;
31. medical, health and legal services;
32. business service establishments, including commercial printing;
33. taxicab dispatching offices;
34. hotels and motels;*
35. radio and television studios;
36. employment agencies;
37. retail sales and showrooms;
38. laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like;
39. pet shops;
40. off-street parking lots and garages;
41. family residential care, day care, and 24 hour child care facilities.

*Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

C. Permitted accessory uses and structures:

1. uses and structures customarily accessory to and clearly incidental to permitted uses and structures;

2. gasoline service stations within off-street parking garages accommodating 30 cars or more;
3. family care.

D. Conditional Uses. Subject to the requirements of Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. telephone communication exchanges;
2. private parks, municipal and government office buildings;
3. private clubs and lodges;
4. marquees, overpasses and similar substantial projections into public airspace, together with any signs mounted thereon;
5. Planned Unit Developments;
6. drive-in banks with sufficient off-street parking for maneuvering and waiting automobiles;
7. heliports;
8. bus terminals;
9. apartments, condominiums and housing for the elderly;
10. interior climate-controlled gallerias which are created by the connection of two or more buildings. The bulk regulations contained in subsection H hereof shall not be applicable to gallerias created in the above-described manner;
11. Quasi Institutional Houses;
12. utility substations.

E. Minimum lot requirements:

1. lot area: 6,000 sq. ft.
2. lot width: 50 ft.

F. Minimum yard requirements: none, except as provided in the supplementary district regulations.

G. Base height of structures. Base height of structures is five stories, above which increases shall be permitted by the bonus point/option provisions of subsection J hereof, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

H. Bulk regulations and maximum lot coverage. Buildings may be constructed within the full limits of the lot, up to three stories in height. Above three stories in height, construction shall con-

form to the bulk requirements set forth below: One tower not exceeding the bulk requirements outlined in 1 and 2 below shall be allowed for a development on a parcel of land containing 13,000 square feet or fraction thereof, or one tower not exceeding the bulk requirements outlined in 3 and 4 below for a development on a parcel of land containing 19,500 square feet. For a development on a parcel of land containing more than 19,500 square feet, one additional tower not exceeding the bulk requirements outlined in 1 and 2 below shall be allowed for every additional 13,000 square feet of land area, or alternatively, one additional tower not exceeding the bulk requirements outlined in 3 and 4 below for every additional 19,500 square feet of land area.

1. maximum plan dimension — 130 feet;
2. maximum diagonal plan dimension — 150 feet;
3. maximum plan dimension - 130 feet;
4. maximum diagonal plan dimension — 180 feet.

Variations from the specific bulk requirement dimensions listed in this section may be granted by the Board of Examiners and Appeals on developments covering a land area of more than 26,000 square feet, provided that they find that the spirit and intent of this district is maintained and provided that a recommendation of the Planning Commission is first received.

I. Notwithstanding the bulk regulations and maximum lot coverage limitations contained in subsection H hereof, where a lawful structure exists at the effective date of adoption of this Title that is prestressed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan dimensions of the existing structure by the addition of not more than two stories.

J. Bonus point/option incentives. Increases over the base height permitted by subsection G hereof shall be allowed through a system of "bonus points" accumulated by providing and incorporating certain design amenities into the specific site development plan approved by the Department of Community Planning. Each bonus point would permit an additional 400 square feet of floor space. All new development must accumulate a minimum of one bonus point for each 1,400 square feet of site to be approved; beyond that, any extra points would go toward granting additional floor space. No more than one bonus point per each 200 square feet of site can be accumulated for any single amenity

option unless otherwise indicated in this section. Bonus points can be obtained by combining any of the following options;

Urban Design Amenity	Bonus Points
street trees	1 pt. per tree
seating units	1 pt. per 2 units (maximum accumulation of 6 pts.)
sidewalk texture	1 pt. per 250 sq. ft.
bike racks	1 pt. per 5 storage units (maximum accumulation of 4 pts.)
canopy over sidewalk	1 pt. per 85 sq. ft. (w/heating)
	1 pt. per 100 sq. ft. (w/o heating)
covered arcade	1 pt. per 60 sq. ft. (w/heating)
	1 pt. per 75 sq. ft. (w/o heating)
open-air plaza, landscaped parks, or preservation of natural areas	1 pt. per 80 sq. ft.
public restrooms at ground level	1 pt. per 70 sq. ft.
climate-controlled public plaza or court (galleria)	1 pt. per 55 sq. ft.
interior shopping mall	1 pt. per 200 sq. ft.
shops facing street at ground level	1 pt. per 130 sq. ft.
public "developed," "recreation" area on the roof or public viewing deck	1 pt. per 150 sq. ft.
apartment housing	2 pts. per 400 sq. ft. of housing
hotels	1 pt. per 400 sq. ft. of area devoted to hotel rooms
enclosed parking	11 pts. per space (above or on grade)
	13 pts. per space (below grade)

Amenities for which bonus points have been granted must be maintained after construction of a project, provided, however, that amenities can be eliminated and others substituted on a point-for-point basis and provided further that

amenities for which points have been granted can be eliminated entirely upon approval by the Planning Commission.

- K. Signs. Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- L. Parking: unrestricted.
- M. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050Y, am AO 80-37, AO 81-67S, AO 81-72).

21.40.180 B-3 — General and Strip Commercial Business District.

The following statement of intent and use regulations shall apply in the B-3 district:

- A. The B-3 district includes those areas which are heavily exposed to automobile traffic and which have been developed with general commercial uses. The district is intended specifically for those areas surrounding major arterial intersections where personal services, convenience goods, and auto-related service facilities are desirable and appropriate land uses. The extension of the B-3 district commercial uses along arterials in a "strip" fashion is to be discouraged.
- B. Permitted principal uses and structures:
 - 1. commercial-wholesale.
 - a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap or salvage operations;
 - b. business offices for mercantile establishments.
 - 2. commercial-retail.
 - a. department stores, general merchandise and dry goods stores;
 - b. men's, women's and children's clothing and apparel and shoe stores;
 - c. miscellaneous apparel and accessory shops;
 - d. furriers;
 - e. jewelry stores;

- f. furniture and home furnishing stores;
- g. radio, television and music stores;
- h. household appliance stores;
- i. hardware and variety stores;
- j. sporting goods stores and bicycle shops;
- k. drugstores;
- l. bookstores and stationery stores;
- m. retail food stores and liquor stores;*
- n. restaurants, tea rooms, cafes and other places serving food and beverages;*
- o. merchandise vending machine stores;
- p. catalog sales stores;
- q. florists;
- r. tobacco stores;
- s. news dealers and newsstands;
- t. camera and photographic supply stores;
- u. gift, novelty and souvenir shops;
- v. photographic studios;
- w. art studios, art supplies and picture framing shops;
- x. laundry and dry cleaning establishments;
- y. beauty shops and barbershops;
- z. shoe repair shops and tailors;
- aa. funeral services, including crematoria;
- bb. small appliance repair shops;
- cc. travel agencies, ticket brokers;
- dd. auditoriums, libraries, museums, historical and cultural exhibits, and the like;
- ee. motion picture theaters;
- ff. insurance and real estate offices;
- gg. banking and financial institutions;
- hh. business and professional offices;
- ii. medical, health and legal services;
- jj. business service establishments, including commercial and job printing;
- kk. off-street parking lots, garages;
- ll. taxicab stands and dispatching offices;
- mm. hotels, motels and motor lodges, boarding houses;*
- nn. radio and television studios;
- oo. employment agencies;
- pp. retail sales and showrooms;
- qq. laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like;
- rr. plumbing and heating service and equipment dealers;
- ss. paint, glass and wallpaper stores;
- tt. electrical or electronic appliances, parts and equipment;
- uu. direct selling organizations;
- vv. gasoline service stations;
- ww. aircraft and marine parts and equipment stores;
- xx. antiques and secondhand stores, including auctions, pawnshops;
- yy. farm equipment and garden supply stores;
- zz. mail order houses;
- aaa. automotive accessories, parts and equipment stores;
- bbb. automotive repair services and garages;
- ccc. motor vehicle dealers, new and used;
- ddd. fur repair and storage;
- eee. automobile display lots, new and used;
- fff. mobile home display lots, new and used;
- ggg. aircraft and boat display lots, new and used;
- hhh. motorcycle and snow machine display lots, new and used;
- iii. automobile, truck and trailer rental agencies;
- jjj. lumber yards and builder's supply stores;
- kkk. fuel dealers;
- lll. nurseries;
- mmm. automobile car washes, self-service and

automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles;

nnn. drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles;

ooo. bus terminals, air passenger terminals, with sufficient off-street area for maneuvering and waiting automobiles;

ppp. amusement arcades, billiard parlors and bowling alleys;

qqq. frozen food lockers;

rrr. veterinary clinics and boarding kennels, provided that such activities shall be conducted within a completely enclosed building;

sss. mini-storage;

*Uses involving the retail sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

3. other uses:

a. multiple-family and high-rise apartments;

b. private clubs and lodges;

c. public parks and buildings;

d. vocational or trade schools;

e. family residential care, day care and 24 hour child care facilities.

C. Permitted accessory uses and structures. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. utility substations;

2. heliports;

3. marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon;

4. Planned Unit Developments;

5. drive-in movie theaters;

6. camper parks;

7. churches and synagogues, along with the customary accessory uses, including parsonages, day care and meeting rooms;

8. Quasi Institutional Houses.

E. Prohibited uses and structures:

1. manufacturing, except in connection with articles for sale at retail on the premises;

2. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience;

3. storage or use of mobile homes.

F. Minimum lot requirements:

Use	Lot Area (sq. ft.)	Lot Width (ft.)
1. 3-through 6-family dwelling	6,000	50
2. 7-through 10-family dwelling	8,500 plus 750 sq. ft. for each dwelling unit in excess of 7.	75

3. Apartment buildings for 11 or more families may only be constructed on sites having a minimum area of 14,000 square feet and minimum frontage of 100 feet on a Class I or greater street, and shall be limited by a floor area ratio of 2.0, and subject to the yard requirements of this section. (Floor area ratio is defined as the maximum gross floor area of a building on a lot or parcel, divided by the area of the lot or parcel. F.A.R. 2.0 provides for 28,000 gross square feet of building on a lot with an area of 14,000 square feet.)

4. all other uses:

width: 50 feet

area: 6,000 square feet.

G. Minimum yard requirements:

1. front yard: none, except as provided in the supplementary district regulations;

2. side yard: five feet, where the lot adjoins a residential district boundary; otherwise, none, provided, however, that if any side yard is provided, it shall be not less than five feet, the purpose being that adjoining commercial buildings shall either directly abut or shall maintain a minimum of five feet between such buildings;

3. rear yard: none.

H. Maximum coverage of all buildings: unrestricted.

I. Maximum height or structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be:

1. residential uses: one vehicular parking space for each dwelling unit;

2. all other permitted uses: as provided in the supplementary district regulations.

L. Loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. Ground cover. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, or other authorized installations shall be covered with one or more of the following: concrete or asphaltic compound, gravel, lawn grass, shrubbery, trees, or other suitable ground cover materials. (Adapted from GAAB 21.05 .050M, am AO 78-28, AO 80-57, AO 80-132, AO 81-67S).

21.40.190 B-4 — Rural Business District.

The following statement of intent and use regulations shall apply in the B-4 district:

A. The B-4 district is intended to serve the needs of rural residential areas for commercial goods and services. The district is designed for areas around major arterial intersections where residential development may not be appropriate. The B-4 district is not intended as a strip commercial district.

B. Permitted principal uses and structures:

1. commercial-wholesale.

a. wholesaling and distribution operations, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, but not to include yards for storage or display of any scrap, junk, salvaged or secondhand materials or for any scrap, or salvage operations;

b. business offices for mercantile establishments.

2. commercial-retail.

a. general merchandise and dry goods stores;

b. men's, women's, and children's clothing and shoe stores;

c. furriers;

d. furniture and home furnishing stores;

e. radio, television and music stores;

f. household appliance stores;

g. hardware and variety stores;

h. sporting goods stores and bicycle shops;

i. drugstores;

j. bookstores and stationery stores;

k. retail food stores and liquor stores;*

l. restaurants, cafes and other places serving food and beverages;*

m. catalog sales stores;

n. gift, novelty and souvenir shops;

o. photographers;

p. laundry and dry cleaning establishments;

q. beauty shops and barbershops;

r. shoe repair shops and tailors;

s. small appliance repair shops;

t. auditoriums, libraries, museums, historical and cultural exhibits and the like;

u. motion picture theaters, drive-in theaters;

v. insurance and real estate offices;

w. banking and financial institutions;

x. medical, health and legal services;

- y. business service establishments, including commercial printing;
 - z. hotels, motels, motor lodges, sports lodges;*
 - aa. plumbing and heating service and equipment dealers;
 - bb. paint, glass and wallpaper stores;
 - cc. gasoline service stations;
 - dd. aircraft and marine parts and equipment stores;
 - ee. antiques and secondhand stores, including auctions, pawnshops;
 - ff. farm equipment and garden supply stores;
 - gg. mail order houses;
 - hh. automotive accessories, parts and equipment stores;
 - ii. automotive repair services and garages;
 - jj. fur repair and storage;
 - kk. automobile display lots, new and used;
 - ll. mobile home display lots, new and used;
 - mm. aircraft and boat display lots, new and used;
 - nn. motorcycle and snow machine display lots, new and used;
 - oo. automobile, truck and trailer rental agencies;
 - pp. lumber yards and builder' supply stores;
 - qq. fuel dealers;
 - rr. nurseries;
 - ss. automobile car washes, self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles;
 - tt. frozen food lockers;
 - uu. utilities substations;
 - vv. nursing homes, convalescent homes and similar institutional uses, provided, however, that rehabilitation centers, correctional institutions and psychiatric institutions may be permitted only upon a grant of a Conditional Use by the Planning Commission;
 - ww. single-family, two-family and multiple-family dwellings;
 - xx. veterinary clinics and boarding kennels;
 - yy. business and professional offices.
 - zz. family residential care, day care and 24 hour child care facilities.
- *Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by Conditional Use only.
- C. Permitted principal accessory uses and structures. Uses and structures clearly incidental and customarily accessory to permitted uses and structures.
 - D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:
 1. junkyards, salvage yards and storage yards;
 2. rehabilitation centers, correctional institutions and psychiatric institutes;
 3. natural resource extraction on tracts of not less than five acres;
 4. railroad and motor freight terminals;
 5. tanning, curing or storing of raw hides and skins;
 6. Planned Unit Developments;
 7. airstrips and heliports.
 - E. Prohibited uses and structures:
 1. any use not of a character as indicated under permitted uses and structures or permitted by Conditional Use;
 2. any use which causes or may reasonably be expected to cause excessive noise, vibration, smoke, dust, or other particulate matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation or to a degree injurious to the public health, safety, welfare or convenience.
 - F. Minimum lot requirements:
 1. area: 10,000 square feet
 2. width: 80 feet

G. Minimum yard requirements:

1. front yard: none, except as provided in the supplementary district regulations;
2. side yard: none;
3. rear yard: none.

H. Maximum lot coverage by all buildings on a lot: unrestricted.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Off-street parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be:

1. residential uses: one vehicular parking space for each dwelling unit;
2. all other permitted uses: as provided in the supplementary district regulations.

L. Off-street loading. Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. Ground cover. All areas not devoted to buildings, structures, drives, walks or off-street parking facilities or other authorized installations shall be covered with one or more of the following: gravel, concrete or asphaltic compound, lawn grass, shrubbery, trees or other suitable ground cover materials. (Adapted from GAAB 21.05.050N, AO 81-67S).

21.40.200 I-1 — Light Industrial District.

The following statement of intent and use regulations shall apply in the I-1 district.

A. The I-1 district is intended primarily for urban and suburban light manufacturing, processing, storage, wholesaling and distribution operations, but also permits limited commercial uses. Regulations are intended to allow efficient use of the land while, at the same time, making the district attractive and compatible for a variety of uses.

B. Permitted principal uses and structures:

1. commercial.
 - a. wholesaling and distribution operations;

- b. mercantile establishments;
- c. general merchandise and dry goods stores;
- d. wholesale fur dealers, repair and storage;
- e. wholesale and retail furniture and home furnishing stores;
- f. wholesale and retail radio and television stores;
- g. wholesale and retail household appliance stores;
- h. wholesale, industrial and retail hardware stores;
- i. drugstores and pharmaceutical supply houses;
- j. retail food stores and liquor stores;*
- k. restaurants, cafes and other places serving food and beverages;*
- l. merchandise vending machines sales and service;
- m. wholesale and retail camera and photographic supply houses;
- n. barbershops;
- o. shoe repair shops;
- p. small appliance repair shops;
- q. insurance and real estate offices;
- r. banking and financial institutions;
- s. business and professional offices;
- t. business service establishments, including commercial and job printing;
- u. off-street parking lots, garages;
- v. taxicab stands and dispatching offices;
- w. employment agencies;
- x. retail or wholesale sales and showrooms;
- y. laboratories and establishments for production, fittings and repair of eye-glasses, hearing aids, prosthetic appliances and the like;
- z. plumbing and heating service and equipment dealers;
- aa. paint, glass and wallpaper stores;

- bb. electrical or electronic appliances, parts and equipment;
 - cc. direct selling organizations;
 - dd. gasoline service stations;
 - ee. aircraft and marine parts and equipment stores;
 - ff. antique and secondhand stores, including auctions, pawnshops;
 - gg. farm equipment and garden supply stores;
 - hh. automotive accessories, parts and equipment stores;
 - ii. automobile display lots, new and used;
 - jj. mobile home display lots, new and used;
 - kk. aircraft and boat display lots, new and used;
 - ll. motorcycle and snow machine display lots, new and used;
 - mm. automobile, truck and trailer rental agencies;
 - nn. lumber yards and builders' supply and storage;
 - oo. fuel dealers;
 - pp. plant nurseries;
 - qq. automobile car washes;
 - rr. bus terminals, air passenger terminals;
 - ss. amusement arcades, billiard parlors and bowling alleys;*
 - tt. frozen food lockers;
 - uu. funeral services, including crematoriums.
 - vv. day care and 24 hour child care facilities (except residential).
- *Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by Conditional Use only.
- d. cabinet shops;
 - e. cleaning, laundry or dyeing plants;
 - f. machine or blacksmith shops;
 - g. manufacture, service or repair of light consumer goods such as appliances, batteries, furniture, garments or tires;
 - h. metal working or welding shops;
 - i. motor freight terminals;
 - j. paint shops;
 - k. steel fabrication shops or yards;
 - l. vocational or trade schools;
 - m. utility installations;
 - n. warehousing, provided, however, that:
 - (1) Any open storage or repair yard, excluding yards for orderly display of new or reconditioned heavy equipment, shall be entirely enclosed within a fence at least eight feet high. The fence shall be of chain link, concrete block or other appropriate construction approved by the administrative official. The fence shall be maintained in a sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this Title.
 - (2) No use shall be constructed or operated so as to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or a degree injurious to the public health, safety or welfare.

2. industrial.

- a. airplane, automobile, or truck assembly, remodeling or repair;
- b. beverage manufacture, including breweries;
- c. boat building;

C. Permitted accessory uses and structures:

- 1. uses and structures customarily accessory and clearly incidental to permitted principal uses and structures;
- 2. in the same structure as a permitted principal use, one dwelling unit may be occupied as an accessory use.

D. Conditional Uses. Subject to the requirements

of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. mobile home parks on sites of at least 10 acres in area;
2. airstrips and heliports;
3. Planned Unit Developments;
4. natural resource extraction on tracts of not less than five acres;
5. camper parks;
6. marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon;
7. motels, hotels and lodging.

E. Prohibited uses and structures:

1. dwellings, except as provided under permitted accessory uses and structures and under Conditional Uses;
2. junkyards;
3. manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, or varnish, charcoal, distilled products;
4. manufacture, service or repair of railroad equipment;
5. open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil;
6. asphalt batching plants and hot-mix plants.

F. Minimum lot requirements;

area: 6,000 square feet;
width: 50 feet.

G. Minimum yard requirements:

1. front yard: none, except as provided in the supplementary district regulations;
2. side and rear yard: none, except that where a lot adjoins a residential district, a side or rear yard shall be provided equal to that required in the adjoining residential district. If a side or rear yard is provided elsewhere, it shall be not less than five feet in width.

H. Maximum lot coverage by all buildings: unrestricted.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with

Federal Aviation Administration Regulations on airport approaches, and provided further that within 50 feet of any residential district boundary, no portion of any structure shall exceed the pertinent height limitations of the residential district.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be as provided in the supplementary district regulations.

L. Loading. Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.0500, am AO 79-95, AO 81-67S).

21.40.210 I-2 — Heavy Industrial District.

The following statement of intent and use regulations shall apply in the I-2 district:

A. The I-2 district is intended primarily for heavy manufacturing, storage, major shipping terminals and other related uses. Also permitted in the district are uses generally permitted in commercial districts.

B. Permitted principal uses and structures. Any legal business, commercial, manufacturing or industrial land use, provided, however, that residential uses including dwellings, rooming, boarding or lodging houses, apartment buildings, hotels or motels are prohibited. Provided further, that no use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or humidity, heat or glare at or beyond any boundary of the I-2 district in which it is located. "Excessive" is defined for these purposes as a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or a degree injurious to the public health, welfare or convenience. Uses involving retail sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

C. Permitted accessory uses and structures:

1. uses and structures customarily accessory and clearly incidental to permitted principal uses and structures;
2. in the same structure as a permitted principal use, one dwelling unit may be occupied as an accessory use.

D. Conditional Uses. Subject to the requirements

of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. junkyards and salvage yards;
 2. airstrips and heliports;
 3. Planned Unit Developments;
 4. natural resource extraction on tracts of not less than five acres;
 5. permitted uses which involve the sale or dispensing of alcoholic beverages.
- E. Prohibited uses and structures:
1. dwellings except as provided under permitted accessory uses and structures;
 2. hotels, motels, rooming or lodging houses, mobile home parks.
- F. Minimum lot requirements:
- area: 6,000 square feet
- width: 50 feet.
- G. Minimum yard requirements:
1. front yard: none, except as provided in the supplementary district regulations;
 2. side and rear yard: none, except that where a lot adjoins a residential district, a side or rear yard shall be provided equal to two times that required in the adjoining residential district. If a side or rear yard is provided elsewhere, it shall be not less than five feet in width.
- H. Maximum lot coverage by all buildings: unrestricted.
- I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches, and provided further that within 50 feet of any residential district boundary, no portion of any structure shall exceed the pertinent height limitations of the residential district.
- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be as provided in the supplementary district regulations.
- L. Loading. Off-street loading facilities shall be

provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050P).

21.40.220 I-3 — Rural Industrial District.

- A. The I-3 district is intended for certain rural areas which, because of their topography, soil condition, location, or any combination of these factors, are better suited for industrial rather than residential or commercial development.
- B. Permitted principal uses and structures. Any legal business, commercial, manufacturing or industrial land use, provided, however, that residential uses including dwellings, rooming/boarding, or lodging houses, apartment buildings, hotels or motels are prohibited, and provided further, that no use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or humidity, heat or glare at or beyond any boundary of the I-3 district in which it is located. "Excessive" is defined for these purposes as a degree exceeding that caused in their customary manner of operation by uses permitted in the I-3 district, or a degree injurious to the public health, safety, welfare or convenience.
- C. Permitted accessory uses and structures:
1. uses and structures customarily accessory and clearly incidental to permitted principal uses and structures;
 2. in the same structure as a permitted principal use, one dwelling unit may be occupied as an accessory use.
- D. Conditional Uses. Subject to the requirements of the Conditional Use provisions of this Title, the following uses may be permitted:
1. junkyards and salvage yards;
 2. airports and heliports;
 3. Planned Unit Developments;
 4. tanning, curing, processing or storing of raw hides and skins;
 5. garbage, offal, dead animal or refuse incineration, reduction or dumping;
 6. natural resource extraction on tracts of not less than five acres.
- E. Prohibited uses and structures:
1. single-family dwellings except as provided in subsection C above;
 2. two-family and multiple-family dwellings except as may be allowed by subsection D above;

3. hotels, motels, rooming and lodging houses, and the like;
4. mobile home parks;
5. noxious, injurious or hazardous uses as defined in this Chapter.

F. Minimum lot requirements:

area: 2 acres
width: 100 feet

G. Minimum yard requirements:

1. front yard: none, except as provided in the supplementary district regulations;
2. side yard, rear yard: none, except that where a lot adjoins a residential district, a side or rear yard shall be provided equal to two times that required in the adjoining residential district. If a side or rear yard is provided elsewhere, it shall be not less than five feet in width.

H. Maximum lot coverage by all buildings: unrestricted.

I. Maximum height of structures: unrestricted, except that structures shall not interfere with the Federal Aviation Administration Regulations on airport approaches, and provided further that within 50 feet of any residential district boundary, no portion of any structure shall exceed the pertinent height limitations of the residential district.

J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.

K. Parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be as provided in the supplementary district regulations.

L. Loading. Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050Q).

21.40.230 W — Watershed District.

The following statement of intent and use regulations shall apply in the W district:

A. This district is intended to preserve and protect the potable water reserves available to Anchorage in the Chugach Range east of the metropolitan area. The major responsibility in the management of watershed areas is the control of those factors liable to contaminate or pollute the water. Agricultural, residential, commercial, indus-

trial, or other urban land uses are incompatible with the concept of watershed conservation. All uses of land within the watershed district, whether permitted by subsection B, C or D hereof shall be subject to the provisions of Chapter 15.50 of this Code.

B. Permitted principal uses and structures:

1. water reservoirs;
2. water treatment plants;
3. water pumping stations;
4. water transmission lines;
5. snow and water gauging stations;
6. high voltage transmission lines.

C. Permitted accessory uses and structures. Customary uses and buildings accessory to the principal uses, including but not limited to power lines and access roads.

D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, certain uses, other than those listed under permitted principal uses and structures, may be permitted under the grant of a Conditional Use by the Planning Commission. Any Conditional Use granted under the authority of this subsection shall be conditioned on compliance with the provisions of Chapter 15.05 of this Code.

In determining whether to grant a Conditional Use, the Planning Commission shall:

1. examine the petitioner's proposal for its impact on ground water supplies and stream pollution, the effects of land development on surface water runoff and erosion, and the alteration of natural drainage patterns;
2. solicit the technical advice of affected and knowledgeable public agencies, including but not limited to the Municipal Water Utility, the U.S. Soil Conservation Service, the U.S. Geological Survey, the U.S. Corps of Engineers, the Municipal Department of Health and Environmental Protection, the U.S. Bureau of Land Management, and the State of Alaska Division of Lands and any private water utility company which may be affected by the proposed use.
3. impose any conditions that it deems reasonable for attainment of the objectives of this district.

In addition, the Commission may require the

petitioner to submit engineering and other technical studies that will show the impact of proposed development on the hydrology of the affected area within the water district.

- E. Prohibited uses and structures. Any use or structure not specifically permitted under permitted uses or accessory uses or permitted by the Planning Commission as a Conditional Use is expressly prohibited.
- F. Minimum lot requirements: none.
- G. Minimum yard requirements: none.
- H. Maximum lot coverage by all buildings: none.
- I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.
- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations. (Adapted from GAAB 21.05.050R).

21.40.240 U — Unrestricted District.

The following statement of intent and use regulations shall apply in the U district:

- A. This district is intended to include suburban and rural areas that, because of location in relationship to other development, topography or soil conditions, are not developing and are not expected to develop in the immediate future along definitive land use lines. The permitted uses in these districts are intended to be as flexible and liberal as possible consistent with protection from noxious, injurious, hazardous or grossly incompatible uses.

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

- B. Permitted principal uses and structures. Residential, business, commercial, industrial, public or quasi-public uses except those prohibited uses specified in subsection E, and those permitted only by Conditional Use as specified in subsection D.
- C. Permitted accessory uses and structures. Accessory uses and structures customarily incidental to any permitted principal use.

- D. Conditional Uses. Subject to the requirements of the Conditional Use standards and procedures of this Title, the following uses may be permitted:

1. mobile home parks;
2. junkyards, automobile wrecking yards and salvage yards;
3. noxious, injurious, or hazardous uses, as defined in subsection E are prohibited, provided, however, that the Planning Commission may grant a Conditional Use for such uses when it finds that the public health, safety, welfare and convenience will be adequately protected by location, topography, fencing, buffering, or by observation of protective performance standards that effectively remove the proposed use from classification as a nuisance;
4. natural resource extraction;
5. uses involving alcoholic beverage sales and dispensing.
6. Cemeteries.

- E. Prohibited uses:

1. noxious, injurious or hazardous uses, which are defined as any use that may be noxious, injurious, or hazardous to surrounding property or persons by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, or similar substances or conditions, or the production or storage of explosive materials;
2. any use or structure not of a character indicated under permitted uses and structures or permitted as a Conditional Use;
3. any use or structure which is likely to be grossly incompatible with established permanent uses within the area to be affected by the proposed use or structure.
4. The building official shall review every application for a building or land use permit for compliance with this subsection.

- F. Minimum lot requirements:

area: 7,000 square feet.

width: 50 feet.

- G. Minimum yard requirements: none, except as provided in the supplementary district regulations.

- H. Maximum lot coverage: unrestricted.

- I. Maximum height of structures: unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.
- J. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. Parking. Adequate off-street parking facilities shall be provided in connection with any permitted use, the minimum for each use to be as provided in the supplementary district regulations.
- L. Loading: unrestricted, except that commercial and industrial uses shall provide off-street loading facilities as specified in the supplementary district regulations. (Adapted from GAAB 21.05.050S, am AO 79-25).

SUPPLEMENTARY DISTRICT REGULATIONS

Sections:

21.45.010	Scope of Application.
21.45.020	Visibility at Intersections.
21.45.030	Accessory Buildings.
21.45.040	Buildings to Have Access.
21.45.050	Height Regulations.
21.45.060	Fallout Shelters.
21.45.070	Projections Into Required Yards.
21.45.080	Minimum Off-street Parking Requirements.
21.45.090	Off-street Loading Requirements.
21.45.100	Residual Lot Area.
21.45.110	Fences.
21.45.120	Yards.
21.45.130	Screening Provisions for Major Highways.
21.45.140	Additional Setback Requirements.
21.45.150	Home Occupation.
21.45.160	Signs.
21.45.170	Uses Involving Sale of Alcoholic Beverages.

21.45.010 Scope of Application.

In addition to the regulations applied to individual zoning districts in Chapter 21.40, the regulations contained in this chapter apply in individual districts, groups of districts, or all districts as specified. Regulations shall apply to all zoning districts where a specific application is not set forth. For the purposes of this chapter the term "residential district(s)" shall apply to the R-1, R-1A, R-2, R-2A, R-2D, R-3, R-4, D-2, D-3, R-5, R-6, R-7, R-8, R-9 and R-0 districts. The term "industrial district(s)" shall apply to the I-1, I-2 and I-3 districts. The term "business district(s)" shall apply to the B-1, B-2A, B-2B, B-2C, B-3 and B-4 districts. (Adapted from GAAB 21.05.060 and new).

21.45.020 Visibility at Intersections.

On corner lots in all residential and industrial districts, no fence, wall, hedge, or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining the right-of-way lines at points which are 30 feet distant from the intersection of the right-of-way lines measured along such lines. If the relation of the surface of the lot to the streets is such that visibility is already obscured, nothing shall be done to increase the

impediment to visibility within the vertical and horizontal limits set forth above. (GAAB 21.05.060A).

21.45.030 Accessory Buildings.

No accessory building shall be erected or maintained in any required yard except that buildings accessory to a residential use may be erected in a required rear yard which is adjacent to an alley. No separate accessory building shall be erected closer than 10 feet to any principal or accessory building. (GAAB 21.05.060B).

21.45.040 Buildings to Have Access.

Every building shall be on a lot abutting on a public street with principal access to such street or with access to a private street approved by the Fire, Public Works, Traffic Engineering and Planning Departments. (GAAB 21.05.060C).

21.45.050 Height Regulations.

The height limitations contained in this Title do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above the roof level, provided, however, that no structure or portion of any structure hereafter erected shall interfere with Federal Aviation Administration Regulations on airport approaches. (GAAB 21.05.060D).

21.45.060 Fallout Shelters.

Fallout shelters are defined as structures or portions

of structures intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies, permitted as principal or accessory uses and structure in any district, subject to the yard and lot coverage regulations of the district. Such shelters may be contained in other structures or may be constructed separately, and in addition to shelter use, may only be used for a principal or accessory use permitted in the district, subject to the district regulations on such use. The area of underground fallout shelter less than 30 inches above the finished lot grade shall not be included in computation of lot coverage by all buildings. No shelter shall be permitted in any required front yard unless it is located entirely below the general ground level of the finished lot grade, except for air vents, radio antennas and other additions not constituting material impediments to vision, and is entirely covered with landscaping appropriate to the rest of the front yard.

Conditional Uses permitting construction of joint fallout shelters. The Planning Commission may, as a Conditional Use, permit construction of joint shelters by two or more property owners. Where such joint shelters are permitted, the Commission may waive the side and rear yard requirements on the property or properties directly involved in the construction of the joint shelter to the extent necessary to permit practical and efficient location and construction, provided, however, that side and rear yard requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal. (GAAB 21.05.060E).

21.45.070 Projections Into Required Yards.

The following structures may project into required front, side or rear yards as specified below and shall not be considered in determining lot coverage:

- A. Paved terraces may project into required front, side or rear yards provided that no structures placed there shall violate other requirements of this Title.
- B. Unroofed landings and stairs may project into required front and rear yards only, provided that no portion other than a light handrail shall extend higher than 16 inches above the finished grade level.
- C. Window sills, belt courses, cornices, eaves and similar incidental architectural features may project not more than two feet into any required yard.
- D. Open fire escapes may project no more than four feet, six inches into any required yard.
- E. A private garage or carport may project into a required rear yard abutting a public alley. (GAAB 21.05.060F).

21.45.080 Minimum Off-Street Parking Requirements.

- A. Scope of application. In all use districts except the B-2A, B-2B and B-2C districts, the parking space requirements set forth in this section shall be provided and satisfactorily maintained for each use listed in this section. Any property against which local improvement assessments have been levied for the construction of public off-street parking shall be exempted from providing and maintaining one space for each 100 square feet of property so assessed. Parking areas in the B-2A, B-2B and B-2C districts must be covered with concrete or asphaltic compound. Parking areas in PLI District shall conform to the requirements of this section unless a variance to the parking requirements is granted by the Building Official in accordance with 21.40.020(K). (AO 81-178S).
- B. Dwellings and apartment buildings.
 1. single-family: two parking spaces for each dwelling unit up to 1,800 square feet.

Three parking spaces for each dwelling unit over 1,800 square feet (including any unfinished area which may be converted to living area).
 2. multi-family: one and one-fourth parking spaces for each efficiency unit.

one and one-half parking spaces for each one-bedroom unit.

one and one-half parking spaces for each two-bedroom unit, 800 square feet or less.

one and three-fourths parking spaces for each two-bedroom unit, over 800 square feet.

one and three-fourths parking spaces for each three-bedroom unit, 900 square feet or less.

two and one-half parking spaces for each three-bedroom unit, over 900 square feet.
- C. Rooming and boarding houses. One parking space for every three guest rooms.
- D. Hotels. One parking space for every six guest rooms.
- E. Motels. One parking space for every guest room.
- F. Auditoriums, churches, synagogues, dance halls, exhibition halls, skating rinks, theaters and other places of public assembly:

one parking space for every four seats in the principal auditorium or assembly room.

Parking space requirements for auditoriums and assembly rooms without fixed seating shall be based on the above specified ratio computed on the maximum capacity under the provisions of the Uniform Building Code.

G. Medical care facilities.

1. hospitals: one parking space for every two beds based on maximum capacity.
2. medical and dental clinics: one parking space for every 250 square feet of gross building area.
3. sanitariums, nursing homes, convalescent homes and similar institutions: one parking space for every four beds based on maximum capacity.
4. facilities for elderly, disabled and handicapped: the area set aside for off-street parking shall be in compliance with paragraph G.3 above, provided that if the facility is used exclusively for the housing of the elderly, disabled or handicapped, the Zoning Board of Examiners and Appeals may allow a portion of the area reserved for off-street parking to be landscaped if the board finds that the landscaping is suitable and is in the best interests of the residents of the neighborhood.

H. Shopping centers. One parking space for every 200 square feet of gross building area.

I. Food stores and grocery stores. One parking space for every 200 square feet of gross building area.

J. Repairing garages and gasoline service stations. Four parking spaces for each bay provided that all vehicles in the custody of the operator of the business for the purpose of service, repair or storage shall be stored on the premises or on a separate off-street parking lot or building.

K. Restaurants, bars, lounges and night clubs. One parking space for every three seats.

Parking space requirements for such facilities without fixed seating shall be based on maximum capacity under the provisions of the Uniform Building Code.

L. Bowling alleys. Four parking spaces for each bowling lane.

M. Other retail establishments. One parking space for every 300 square feet of gross building area.

N. Business, professional and eleemosynary offices. One parking space for every 300 square feet of gross building area.

O. Warehouse and storage buildings. One parking space for every 1,000 square feet of gross building area.

P. Industrial and manufacturing establishments. One parking space for every 400 square feet of gross building area, or one parking space for every three employees, whichever results in the larger number of parking spaces.

Q. Schools:

1. elementary, junior high or private schools: one parking space for every five seats in the main auditorium or assembly room.

2. high school: one parking space for every four seats in the main auditorium or assembly room, or three parking spaces for every classroom plus one parking space for each staff member or employee, whichever is greater.

3. colleges, universities or business colleges: one parking space for every 300 square feet of enclosed floor space.

R. Other uses, in the case of a use not specifically identified in this section, the requirements for off-street parking facilities shall be the same as the above-described use which is most similar.

In the case of mixed used, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

S. Standards for required parking. Parking spaces provided in accordance with the requirements of this section shall meet the following standards:

1. location: all required parking spaces shall be on the same lot as the main building served or on an abutting lot(s), provided that the zoning district in which said lot(s) is (are) located allow(s) for off-street parking as a permitted principal use, or as a Conditional Use. Such abutting lot(s) shall be under the same ownership as that of the building to be served, or there shall be a parking agreement, approved by the Municipality, which provides for parking requirements for the life of the occupancy.

2. excess parking: any excess parking spaces provided may be on the same lot(s) as the building served, on abutting or contiguous lot(s), or any lot(s) within 300 feet provided that the zoning district in which said lot(s) is (are) located allow(s) for off-street parking as a permitted principal use, or as a Conditional Use.

3. joint use: a single parking area may be used to service more than one establishment if the normal hours of operation of the establishments do not overlap. If a single parking area is so used, additional parking may be required as a condition of continued occupancy at any time the hours of operation of the establishments are altered to run concurrently.

4. design:

a. No wall, post, guardrail or other obstruction that would restrict car door opening shall be permitted within five feet of the center line of a parking space. Adequate ingress to and egress from each parking space shall be provided without backing more than 25 feet.

b. All parking (except that which serves single-family and duplex residences) shall be so arranged that ingress and egress are possible without backing over a sidewalk, sidewalk area, or onto a street of collector or larger designation.

c. Turning and maneuvering space (except that which serves single-family and duplex residences) shall be located entirely on private property, provided that the usable portion of an alley may be credited as aisle space subject to safety approval by the Traffic Engineer.

d. All parking layout plans and site plans are subject to review by the Traffic Engineer to ensure that provisions have been made for minimum interference with street traffic flow and safe interior circulation and parking.

5. free parking space required: the minimum number of off-street parking spaces required by this section shall be provided without direct charge to the users of the facilities served by the parking spaces.

6. regulation of parking space use: the providers of required off-street parking spaces may reasonably control the users thereof by means which may include, but not be limited to: restricting all parking to the users of the facility; parking lot attendants; control gates; tow-away areas; areas for exclusive use by employees, tenants or staff; areas restricted for use by customers or visitors; imposing reasonable time limitations on users other than tenants, employees or staff.

Direct charges may be made to users who exceed minimum time limits.

The Traffic Department may review all methods of control and may disapprove of any restrictions which adversely affects the purpose of this section.

7. screening: where parking areas (except those which serve single-family and duplex residences) are in or adjacent to residential zoning districts, the parking areas shall be partially screened by a wall, fence or by landscaping designed to obstruct the view of the parking area from the residential area. The screen shall have a minimum height of 3.5 feet and shall be maintained in good condition.

8. paving: the off-street parking area, including all ingress and egress points, shall be paved with concrete or asphaltic compound.

9. Handicap parking requirements for commercial, industrial, public and institutional uses;

Total Car Spaces in Parking Area	Handicap Stalls Required
1-50	1 (minimum)
51-100	2
101-150	3
151-200	4
201-250	5
251-300	6
301-350	7
311-400	8
401-450	9
451-500	10

Over 500 requires 10 plus 1 for each additional 50 spaces.

Handicapped car spaces shall be at least eight feet wide with an access aisle at least five feet wide adjacent to the driver's or passenger's side of the car space. Two handicapped car spaces shall be within two hundred feet of an accessible entrance to the building or structure served. Access aisles shall be on an accessible route of traffic that conforms to the requirements of Chapter 23.70. The accessible route of travel shall not cross traffic lanes nor pass behind car spaces. Each handicap car space shall be identified with a sign conforming to uniform style approved by the Traffic Engineer in accordance with Chapter 9.30.235. (AO 81-106)

10. parking angle space dimensions.

A Parking Angle	B Stall Width	C Stall to Curb	D		E Curb Length	F Over- hang
			Aisle Width	Aisle Width		
0°	9.0	9.0	12.0	24	23.0	0
	9.5	9.5	12.0	24	23.0	
20°	10.0	10.0	12.0	24	23.0	0.7
	9.0	15.0	12.0	24	26.3	
	9.5	15.5	12.0	24	27.8	
30°	10.0	15.9	12.0	24	29.2	1.0
	9.0	17.3	12.0	24	18.0	
	9.5	17.8	12.0	24	19.0	
40°	10.0	18.2	12.0	24	20.0	1.3
	9.0	19.1	12.0	24	14.0	
	9.5	19.5	12.0	24	14.8	
45°	10.0	19.9	12.0	24	15.6	1.4
	9.0	19.8	12.0	24	12.7	
	9.5	20.1	12.0	24	13.4	
50°	10.0	20.5	12.0	24	14.1	1.5
	9.0	20.4	12.0	24	11.7	
	9.5	20.7	12.0	24	12.4	
60°	10.0	21.0	12.0	24	13.1	1.7
	9.0	21.0	18.0	24	10.4	
	9.5	21.2	18.0	24	11.0	
70°	10.0	21.5	18.0	24	11.5	1.9
	9.0	21.0	19.0	24	9.6	
	9.5	21.2	18.5	24	10.1	
80°	10.0	21.2	18.0	24	10.6	2.0
	9.0	20.3	22.0	24	9.1	
	9.5	20.4	21.0	24	9.6	
90°	10.0	20.5	22.0	24	10.2	2.0
	9.0	20.0	23.0	24	9.0	
	9.5	20.0	22.0	24	9.5	
	10.0	20.0	22.0	24	10.0	

All dimensions are to the nearest tenth of a foot.

(GAAB 21.05.060G, am AO 78-118).

21.45.090 Off-Street Loading Requirements.

No building or structure used for any commercial, business, industrial or institutional use shall be erected (nor shall any such existing building or structure be altered so as to increase its gross floor area by 25%) without prior provision for off-street loading space in conformance with the following minimum requirements:

A. Types of loading berths. Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

1. type "A" berths shall be at least 60 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions;

2. type "B" berths shall be at least 30 feet long by 10 feet wide by 14 feet 6 inches high, inside dimensions;
3. type "C" berths shall be located in the rear of a lot and utilize part of an adjacent alley. The building setback shall be a minimum of five feet from the property line along the alley for the entire width of the lot.

B. Number of loading spaces required. The following numbers and types of berths shall be provided for the specified uses, provided, however, that in any B-2 district, one type "C" berth may be substituted for one type "B" berth. The uses specified below shall include all structures designed, intended or arranged for such use.

Use	Aggregate Gross Floor Area (Sq. ft.)	Berths Required	Type
1. freight terminals, railroad yards, industrial plants, manufacturing or wholesale establishments, warehouses	12,000 - 36,000 36,000 - 60,000 60,000 100,000 each additional 50,000 or fraction thereof	1 2 3 1 add'l.	A A A A.
2. auditoriums, motel convention halls, multi-family dwellings or sports arenas	25,000 - 150,000 150,000 - 400,000 each additional 250,000 or fraction thereof	1 2 1 add'l.	B B B
3. hospitals, nursing homes, sanitariums, convalescent homes and similar institutional uses	10,000 - 100,000 over 100,000	1 2	B B
4. department stores, retail establishments, restaurants, funeral homes, and commercial establishments not otherwise specified	7,000 - 24,000 24,000 - 50,000 50,000 - 100,000 over 100,000 each additional 50,000 or major fraction thereof	1 2 3 1 add'l.	B B B B
5. hotels or office buildings	25,000 - 40,000 40,000 - 100,000 each additional 100,000 or major fraction thereof	1 2 1 add'l.	B B B
6. schools	over 14,000	1	B

C. Uses not specifically mentioned. In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above mentioned use which, in the opinion of the administrative official is most similar to the use not specifically mentioned.

D. Concurrent different uses. When any proposed structure will be used concurrently for different purposes, final determination of loading requirements will be made by the administrative official, but in no event shall the loading requirements be less than the total requirements for each use based upon its aggregate gross floor area.

E. Location of required loading facilities. The off-street loading facilities required for the uses mentioned in this Title shall be in all cases on the same lot or parcel of land as the structure they are intended to serve. In no case shall the

required off-street loading space be part of the area used to satisfy the off-street parking requirements.

F. Manner of using loading areas. No space for loading or unloading of vehicles shall be so located that a vehicle using such loading space projects into any public street, except in the case of type "C" berths. Loading space shall be provided with access to an alley, or if no alley adjoins the lot, with access to a street. Any required front, side or rear yard may be used for loading unless otherwise prohibited by this Title. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the Traffic Engineer.

G. Modification of requirements. The Traffic Engineer may modify the off-street loading requirements as they apply to any individual case only for good cause shown, and he shall set reason-

able safeguards and conditions to ensure that any such modification conforms to the intent of this Title. Modification may be granted if it is demonstrated to the satisfaction of the Traffic Engineer that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.

- H. Signs. The owners of the property shall provide, locate and maintain loading signs as specified by the Traffic Engineer. Such signs shall not be counted against allowed advertising sign area. (GAAB 21.05.060H).

21.45.110 Fences.

Fences may be constructed at the lot line, provided, however, that front yard fences in residential zoning districts shall not exceed four feet in height. (GAAB 21.05.060J, am AO 78-15).

21.45.120 Yards.

- A. In the case of double frontage lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative official may waive the requirement for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.
- B. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
- C. In the case of corner lots with more than two frontages, the administrative official shall determine the front yard requirements, subject to the following limitations:
1. at least one front yard shall be provided having the full depth required generally in the district;
 2. no other front yard on such lot shall have less than half the full depth required generally.
- D. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

- E. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations, with its inner edge parallel to the side lot lines.
- F. In any R-1, R-1A, R-2, R-2A, D-2 or R-5 district, where an entire street frontage between two intersecting streets is in single ownership, the required width of side yards with respect to lot lines may be varied, provided, however, that the distance between adjoining buildings shall not be less than 10 feet. The width of such side yards shall not thereafter be reduced to less than 10 feet by enlargement of either adjoining building.
- G. In any R-1, R-1A, R-2, R-2A, R-2D, R-3 or R-5 district, one required side yard may be completely abated with respect to each of a pair of two adjoining lots where a common wall is shared by a structure on the two adjoining lots in accordance with the following conditions:
1. a common wall (or party wall) agreement to run with the land, has been recorded;
 2. the width of the other required side yard on each lot shall not be less than 10 feet; and
 3. no future enlargement of a principal structure shall reduce the width of the other required yard.
- H. In determining minimum yard requirements each lot shall be determined individually and, except as provided in subsection G above, minimum yard requirements may not be calculated on the basis of two or more combined lots. In all instances where a building may be constructed immediately adjacent to a lot line the building may be constructed upon or over such lot line, provided that the portion of the building on each individual lot is otherwise permitted on each lot, and provided further that the building complies with building code requirements.
- I. Yard requirements for cluster housing developments shall be as specified in 21.45.190. (Adapted from GAAB 21.05.060L, am AO 80-42, AO 82-54).

21.45.130 Screening Provisions for Major Highways.

- A. The purpose of these provisions is to visually protect the major entrances to the urbanizing areas of the Municipality to the benefit of tourists and residents. In order to accomplish this, all those R-3, R-4, R-O, B-1, B-2, B-2H, B-3, B-4, I-1, I-2, I-3, and U-zoned properties adjoining that portion of the New Seward Highway or its associated frontage roads lying south of 44th

Avenue and north of Potter and that portion of the Glenn Highway or its associated frontage roads lying east of Boniface Avenue to Peters Creek shall be subject to the following setback and land use restrictions which are in addition to the minimum requirements already established in the aforementioned zoning districts, provided, however, that the screening strip requirements of subsection B hereof shall not apply to any parcel of land which, when the screening strip is imposed, has a remaining area less than that required in the zone, whose dimensions are less than the minimum required in the zone, or whose buildable depth is less than 100 feet. Nothing in this paragraph shall be construed to exempt from the provisions of this Title the application of any requirement except those found in subsection B hereof. The provisions of this section shall only apply to new land development activity requiring a building or land use permit and taking place after the original effective date of this section.

The term "new land development" as used in this section refers to development on a parcel of land which on the original effective date of this section contained no business, commercial, industrial or residential use involving a structure, provided, however, that this section shall apply to those previously developed parcels of land whereon, after the original effective date of this section, the use changes from single-family residential to income-producing multi-family residential or to any business, commercial or industrial use.

- B. No new structural or land development activity requiring a building or land use permit shall be permitted within 30 feet of the property line abutting either the New Seward Highway, the Glenn Highway or frontage roads adjacent thereto. The 30-foot side area shall be maintained in its original undisturbed natural condition if the natural vegetation is of sufficient quality to provide visual screening. If the vegetation is not of sufficient quality to provide visual screening, the screening strip shall be planted with vegetation of sufficient quality to provide such screening. Other techniques such as an earthen berm planted with ground cover or other vegetation may be utilized, provided any methods utilized are essentially natural in appearance rather than man-made. Such screening shall be maintained by the property owner.
- C. The terms and requirements of subsection B hereof shall not prohibit the construction and maintenance of access drives from the frontage roads into lots or abutting the frontage roads, provided, however, that no structural or land

development activity, other than that normally associated with access drives, shall be permitted within any part of any access drive.

- D. No new signs of any kind shall be permitted within the previously mentioned 30-foot-wide area that abuts either the New Seward Highway, the Glenn Highway or frontage roads adjacent thereto, except real estate for sale signs no larger than 18 inches by 24 inches. In addition to those sign restrictions imposed by the applicable zoning district, all allowable signs shall be restricted to those advertising products or services available on the premises. Signs which are flashing, blinking, fluctuating or animated shall not be allowed if they are visible from those portions of the Seward and Glenn highways described above. No sign shall exceed 30 feet in height.
- E. Except for customer parking, all storage, placement, stockpiling or holding in inventory, whether for sale or not, of any materials, components, products or vehicles associated with new uses established on any property abutting those portions of the highways or associated frontage roads described above shall be screened from view from the highways by an 8-foot-high sight-obscuring fence of contemporary design or by a sight-obscuring vegetative screen. The method of screening within the 30-foot screening easement may be substituted for the fence or screen described above if that screening method is sight-obscuring.
- F. Except for customer parking, loading docks and off-street parking areas associated with new uses established on the properties abutting those portions of the Seward Highway, Glenn Highway or associated frontage roads described above shall be located to the rear of those properties. If site development does not allow for these facilities in the rear, they shall then be effectively screened from the highways.
- G. Plans for access drives, screening fences, vegetative screens and parking and loading areas shall be reviewed and approved by the Planning Commission to ensure conformance with the intent of this section. (GAAB 21.05.060P).

21.45.140 Additional Setback Requirements.

Whenever a parcel of property adjoins a street shown on the Official Streets and Highways Plan, any structure placed on the parcel shall provide a minimum setback distance equal to the minimum required by the applicable zoning district, plus an amount in accordance with the following table, provided, however, that any addition to a structure existing on the original effective date of this section,

which structure does not meet the setback requirements listed below, shall be considered in compliance with this section if such addition does not intrude farther into the setback requirements than the existing structure:

Street Class on Official Streets & Highways Plan	Setback from Centerline of Street
I	30 feet
II	35 feet on all parcels outside the area bounded by and fronting on Karluk Street, 15th Avenue, L Street and Third Avenue
II	40 feet on all parcels within the area bounded by and fronting on Karluk Street, 15th Avenue, L Street and Third Avenue
III, IIIA, IIIB	40 feet
IV, V and VI	50 feet
IIC, IIIC, and IVC	30 feet

In those cases where only a partial right-of-way exists in terms of width, the required setbacks shall be calculated from the projected centerline of the roadway as determined from previous platting actions or previous dedications rather than from the actual centerline of the partial right-of-way. (GAAB 21.05.060R).

21.45.150 Home Occupation.

An occupation conducted in a dwelling unit, provided that:

- A. No person other than the permanent inhabitants residing in the dwelling unit shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for the residential purposes by its occupants, and not more than 25% of the floor area, not to exceed 500 square feet, of the dwelling shall be used conduct of the home occupation;
- C. There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than one sign not exceeding one square foot in area, non-illuminated, and mounted flat against the principal building;

- D. No home occupation shall be conducted in any accessory building;
- E. There shall be no wholesale or retail sale of merchandise nor any activities involving stock in trade on the premises;
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this chapter for that area of the dwelling unit employed for the home occupation. No more than two of the required off-street parking spaces shall be located in a required front yard; and
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises. (GAAB 21.05.060S).

21.45.160 Signs.

- A. General provisions—permits. All signs whether they are attached to a structure or are free-standing shall be so located as to conform to minimum yard requirements and maximum height requirements of the district in which the sign is located. A sign permit shall be obtained from the building official before any sign is installed in any district, except for those signs exempted from the permit requirement by the terms of the Uniform Sign Code as adopted in this code.
- B. District limitations.
 - 1. PLI district: No signs intended to be read from off the premises shall be permitted except: identification, informational or directional signs erected by public and quasi-public bodies in connection with permitted principal or accessory uses or for other public purposes;
 - 2. R-1, R-1A, R-2, R-2A, R-2D and R-10 districts: No signs intended to be read from off the premises shall be permitted except:
 - a. in connection with home occupations, one non-illuminated sign, not exceeding one square foot in area, located flat against the wall of the principal building;

- b. churches, public and quasi-public institutions including schools and Municipal buildings and uses may erect for their own use one identification or announcement sign or bulletin board not exceeding 20 square feet in area. No such sign shall be closer than five feet to any front, side or rear lot lines;
 - c. for nonconforming commercial uses, day nurseries and kindergartens, one sign, not exceeding six square feet in area, to be located flat against the wall of the principal building, or more than 20 feet from the front lot line and more than 10 feet from side or rear lot lines;
 - d. for tract development or housing projects containing two acres or more, one sign not exceeding 50 square feet in area, to be erected at least 20 feet from any public street and 10 feet from any side or rear lot lines of adjoining property;
 - e. No flashing or animated sign shall be permitted, and no source of incandescent or mercury vapor illumination for any sign or premises shall be directly visible from off the property;
3. D-3, R-3, R-4, R-5, R-6 districts: No signs intended to be read from off the premises shall be permitted except:
- a. each exception listed in subsection B.2 above;
 - b. Multiple-family dwellings, boarding and lodging houses may have one sign, not exceeding six square feet in area, identifying the premises and indicating "vacancy" or "no vacancy." Such signs shall be placed flat against the wall of the principal building, or more than 20 feet from the front line and more than 10 feet from side or rear lot lines. Where a multiple-family dwelling has principal entrances from more than one street, one such sign may be erected at each entrance.
 - c. hotels, motels: one sign, not exceeding 20 square feet in area, identifying the premises and indicating "vacancy" or "no vacancy." Such signs shall be placed flat against the wall of the principal building, or more than 20 feet from the front lot line and more than 10 feet from side or rear lot lines. Where a hotel or motel abuts more than one arterial or collector street, one such sign may be erected for each such street;
 - d. Private clubs and lodges may have one sign, not exceeding six square feet in area. Such sign shall be placed flat against the wall of the principal building, or more than 20 feet from the front lot line and more than 10 feet from the side or rear lot lines.
4. R-O district: No signs intended to be read from off the premises shall be permitted except:
- a. each exception listed in subsection B.2 above;
 - b. Each permitted use not subject to the preceding paragraph shall be allowed one sign not exceeding 20 square feet in area. Any sign permitted by this subsection shall not extend more than three feet from the wall of the principal building and shall not extend above the top of any wall.
5. B-1 district: No signs intended to be read from off the premises shall be permitted except:
- a. each exception listed in subsection B.2 above;
 - b. Each permitted use shall be allowed a maximum of two signs, the area of which shall not exceed 40 square feet per sign;
 - c. Wall signs. The area of a sign of a permitted use which is mounted on or painted on the wall of a building or structure is subject to the size limitations of this section, except that for any permitted use with building frontage in excess of 40 feet, the area of the sign may be a maximum of one additional square foot for each one foot of additional building frontage in excess of 40 feet. (For example, a business with a frontage of 50 feet may install a sign of 50 square feet on the building or structure;
 - d. No flashing or animated sign shall be permitted and no source of incandescent or mercury vapor illumination shall be so arranged as to shed direct light upon or beyond any residential district boundary.
6. B-2A, B-2B, B-2C districts: Signs intended to be read off the premises shall be permitted except that a sign shall not project more than three and one-half feet into airspace over any public sidewalk, or more than one foot into air space over any public alley, other than as permitted by Conditional Use for marquees and the like.

7. B-3, B-4, I-1, I2, I-3 districts: Signs intended to be read from off the premises shall be permitted subject to the following provisions:

- a. area per sign: unrestricted;
- b. Total area of signs arranged along or intended to be viewed from across an adjacent lot line shall not exceed two square feet for each foot of length of the lot line;
- c. No sign shall be erected within 10 feet of any street except signs placed flat against the wall of a building.

8. W (Watershed) district: Signs pertaining to the uses permitted under principal permitted uses, accessory uses or by Conditional Use, which are of a public, noncommercial nature, and which include safety signs, danger signs, "no trespassing" signs, and all signs erected by a public officer in the performance of his duty shall be permitted.

9. U (Unrestricted) district:

- a. Signs connected with residential uses shall be as provided in subsection B.2 above;
- b. Signs connected with business, commercial or industrial uses, including hotels and motels, shall be as provided in subsection B.7 above.

C. Political signs. In addition to signs permitted under the provisions of subsection B, political signs are allowed in residential, commercial and industrial zoning districts in accordance with the terms of this subsection. Political signs shall not exceed 32 square feet in area nor be placed on public property or rights-of-way. Such signs may be displayed only for a period of 90 days prior to any primary, special or general election and for any period between a primary and general election. All political signs must be removed within one week following the relevant election, provided that signs erected for any primary election that remain relevant to the following general election may be maintained for the period between the elections. For the purpose of this section, political signs shall be defined as any sign used for the purpose of advertising or promoting a political party, candidate, initiative, referendum or proposition for voter approval at a forthcoming election. Political signs, pursuant to this subsection, shall not be required to have a permit from the Zoning Enforcement Officer.

D. Portable signs. In addition to the regulations contained in this section and in other provisions of this Code, the following regulation shall govern portable signs:

1. Definition: "Portable signs" means any sign constructed or maintained in such a way as to permit its easy relocation through means of wheels, skids, braces, runners, brackets, or similar devices attached to or supporting the sign.

2. Regulations: Upon the effective date of this subsection, no portable sign may:

- a. display a blinking, rotating, flashing or alternating light pattern while in use;
- b. utilize exposed incandescent light sources exceeding 60 watts per source;
- c. contain any electrical illumination of a red, green, amber, or blue color; or
- d. utilize reflectors, mirrors, or other devices intended to focus or direct illumination from the sign to any point or location. (Adapted from GAAB 21.05.060K and AO 77-5, am AO 78-124, AO 79-45, AO 79-179A).

21.45.170 Uses Involving Sale of Alcoholic Beverages.

A. Any use, whether principal or accessory, involving the retail sale or dispensing of alcoholic beverages is permitted only by Conditional Use. The Conditional Use requirement applies only to the retail sale or dispensing of alcoholic beverages and not to related principal or accessory uses.

B. A Conditional Use for uses involving the sale of alcoholic beverages shall be reviewed by the Assembly. The provisions of Section 21.15.030 which pertain to the notice and public hearing shall apply; however, other requirements of that section shall not apply unless the Assembly so directs by regulation. The standards contained in Section 21.50.020 shall apply. (Adapted from GAAB 21.05.060 and new).

21.45.180 Child Care Services.

Day care and 24-hour child care facilities, shall comply with the following standards:

1. There shall be a contiguous usable yard provided, which shall be at least 20 feet wide at all points. At least 75 square feet per child shall be provided for facilities serving 30 children or less; all other day care services and 24-hour child care facilities shall provide similar usable yard area as may be required for approval by the Department of Health & Environmental Protection. (AO 81-67S)

2. Child Care Matrix

CHILD CARE MATRIX

	FAMILY CARE	FAMILY RESIDENTIAL CARE	DAY CARE	DAY CARE	CHILD CARE FACILITY 24 HOUR
Number of Children	5	10	30	No Limit	No Limit
Number of Hours of Operation	18	24	18	18	24
Babysitting	Yes	No	Yes	Yes	Yes
Educational	Yes	Yes	Yes	Yes	Yes
Social Program	No	Yes	Yes	Yes	Yes
Zoning Districts					
R-1, R-1A Single Family	P	P	CU	CU	NP
R-2A, R-2D Duplex	P	P	CU	CU	NP
R-2 Multiple Family	P	P	*	*	CU
R-3 Multiple Family	P	P	P	P	CU
R-4 Multiple Family	P	P	P	P	CU
R-5 Rural Residential	P	P	CU	NP	NP
R-6 Suburban Residential	P	P	CU	CU	CU
R-7 Intermediate Residential	P	P	CU	NP	NP
R-8 Rural Residential	P	P	CU	CU	CU
R-9 Rural Residential	P	P	CU	CU	CU
R-0 Residential Office	P	P	P	P	P
B-1 Neighborhood Business	P	P	P	P	P
B-2A, B, C Central Business District	P	P	P	P	P
B-3 Strip Business	P	P	P	P	P
B-4 Rural Business	P	P	P	P	P
I-1 Light Industrial	NP	NP	P	P	P
I-2 Heavy Industrial	NP	NP	P	P	P
U Unrestricted	P	P	P	P	P

P =Permitted Principal Use.

CU =Conditional Use Requires Public Hearing.

NP =Not Permitted. The use is prohibited in this zone.

*R-2 =If the lot is greater than 14,000 square feet it is a permitted use.

21.45.190 Cluster House Development

A. Intent. A Cluster housing development is a design technique that provides open space and other site amenities in a subdivision by permitting individual lots of less area than otherwise permitted in the underlying use district. The community receives the benefits of open space within subdivisions and land developers provide subdivisions at the same density as the underlying use district. Cluster housing is intended to provide a development option particularly suited to tracts of land that include marginal areas. Marginal lands may include wetlands, steep slopes or geophysical hazard areas. By clustering the overall number of units possible on the developable portion, construction and infrastructure costs may be lowered. Correspondingly, open space amenities are provided and environmentally sensitive lands conserved. It is also intended to provide a design option in transition density areas, where zones of different densities abut. Lower costs in subdivision development should be reflected in lower housing costs.

B. A cluster housing development shall conform to the requirements of this section in addition to the requirements of the use district in which the cluster housing development is located. No building or land use permits shall be issued for any construction under this section until the final plat has been filed according to this title. The development of the site shall be as approved, except that the site plan may be amended, provided that each amendment is approved by the Director of Community Planning.

C. Maximum density and minimum site area

1. There shall be no more than one principal structure per lot.
2. The maximum number of dwelling units permitted in the cluster housing development shall be based upon the following schedule. The acreage of the site shall be calculated at its gross acreage at the time of proposed development but shall include the abutting rights-of-way only in those zoning districts which allow the inclusion of rights-of-way.

Zoning District	Dwelling Units/ Acre	Minimum Site Area (acres)
R-1	5.0	2.5
R-1A	5.0	2.5
R-2	12.0	1.0
R-2A	10.0	1.5
R-2D	10.0	1.5
R-3	20.0	1.0
R-4	24.0	1.0
R-5	5.0	2.5
R-6	0.8	5.0
R-7	2.0	5.0
R-8	0.2	10.0
R-9	0.4	5.0
R-10	As provided in 21.40.115 (F)	10.0

D. Housing type - In the R-1 and R-1A use districts only single family detached units are permitted. In the remaining use districts specific in paragraph C.2 above, either detached or attached units are permitted.

E. Maximum lot coverage for other than common area

1. two common walls per dwelling unit 70%
2. one common wall per dwelling unit 50%
3. all others 40%

F. Minimum yard requirements

1. Minimum yard requirements shall be the same as the underlying zoning district, except in the instance of attached dwelling units side yards shall not be required. However, if a side yard is provided it shall be the minimum established in the underlying zoning district for each adjoining lot.

G. Common area — mandatory.

1. In a cluster housing development at least 30% of the site area shall be open space. At least one half of open space shall be usable open space:
 - a. 2,500 square feet or more in area, and no less than 30 feet in its smallest dimension; and
 - b. not used for roads, parking facilities, storage or service areas.
2. Development of the common area in accordance with the approved site plan and subdivision plat shall be guaranteed in accordance with Chapter 21.87, Subdivision Agreements.
3. All areas of the common area not devoted to

buildings, structures, parking areas, courts, walkways, specialized areas for sport and game activities, and driveways shall be covered by one or more of the following: lawn grass, shrubbery, trees, or undisturbed indigenous vegetation.

H. Home owner association (HOA) — mandatory

1. A Home Owners Association (HOA) shall be established for all cluster housing developments. All owners of property within the cluster housing development shall automatically become members of the HOA.
2. Any declaration under the Horizontal Property Regimes Act, Common Wall Agreements, Declaration of Covenants, Conditions and Restrictions and Home Owner Agreements proposed to be recorded to govern the use of the land and structures within a cluster housing development must be reviewed for conformity with this title by the Director of Community Planning.
3. The responsibility for the operation and maintenance of the common area facilities shall reside with the HOA.

I. Site plan review — mandatory

1. Intent of site plan review. The site plan review process outlined below is intended to accomplish the following: (1) increase investment certainty by reducing development risk; (2) avoid the potential for public loss inherent in development of wetlands, steep slopes and hazard areas; and (3) conserve marginal lands with open space and environmental value.
2. Site plan review process and mandatory submittal requirements.

a. Preapplication conference.

Before an application for a preliminary plat for a cluster housing development may be submitted, the prospective applicant shall meet with the staff of the Municipal Department of Community Planning to review the proposed project.

At the preapplication conference the staff shall (1) review the development proposal; (2) advise the applicant concerning the compatibility of the proposal with the intent and standards of this chapter, and adopted plans of the Municipality; and (3) provide guidelines and information regarding Municipal requirements.

b. Mandatory submittal requirements for the preapplication conference include:

(1) Written documents:

- (a) legal property description;
- (b) description of site conditions in terms of landscape type, existing and adjacent land uses, and soil types;
- (c) vicinity map;
- (d) existing site zoning and adjacent parcels' zoning.

(2) Sketch plan and supporting maps drawn at 1" = 50'. Plans required are:

- (a) Site conditions map, showing:
 1. topography, showing contour lines at intervals of 4 feet or less;
 2. water features, showing the location of streams, lakes, bogs, swamps and drainage courses, including the location of floodplain areas as defined in Section 21.75.-035B.
 3. existing vegetation, showing stands of trees and shrubs, ground cover, and a description thereof;
 4. the location of known and existing facilities and structures such as building, water and sewage system, utility easements, of record or in use, excavations, bridges, culverts, and wells;
 5. access to and within the site, including roads, peripheral roads, trails, and sidewalks.

(b) Sketch site plan, showing:

1. surface site conditions, including contours at 4 foot intervals and water features;
2. peripheral and interior roads;
3. parking areas;
4. cluster footprints, and number of units per cluster;

5. pedestrian circulation system, showing sidewalks, trails, and paths; and
6. open space and other common facilities;
7. type and size of buffer to adjacent property.

(c) Preapplication conference - concept approval.

The Department of Community Planning, together with appropriate Municipal departments, will review the preapplication submitted materials. Written comments will be provided the applicant in not more than 7 days. Concept approval will be granted the applicant by the Department of Community Planning if it is determined that the site plan conforms to the review criteria found in 21.45.190 (I) (2) (d). Indication of the concept approval will accompany the preliminary plat application submittal requirements.

(d) Site plan review criteria:

1. consistency with Title 21 of the Anchorage Municipal Code;
2. suitability of subdivision design to the environmental characteristics of the property being developed;
3. evaluation of need for buffering of adjacent property.

(e) Preliminary plat application - procedures

The applicant shall follow the preliminary plat application procedures and submittal requirements in 21.15.110. Six copies of the sketch site plan shall accompany the preliminary plat application.

(f) Final plat - procedures.

The applicant shall follow final plat filing procedures and submittal requirements of Title 21.15.120. A final plat may not be recorded until a final site plan has been approved.

(g) Final site plan - submittal requirements.

Submittal of the following site plan and detail plans is mandatory. They shall accompany the final plat materials. The plans shall be drawn at 1" = 50' feet.

1. Site plan. Elements to be shown are:

- a. streets, sidewalks, parking spaces, snow storage and service areas;
- b. generalized footprints of unit clusters and accessory buildings;
- c. communal facilities;
- d. open space system; and
- e. landscape system, including existing areas to be preserved and tree and shrub masses and ground cover to be planted.

2. Planting plan. Elements to be shown are:

- a. location and type of existing vegetation to be preserved;
- b. ground cover: lawn (number of square feet seed mix, and pounds per square foot), ground cover (number of square feet and plants per unit area); and
- c. trees and shrubs; name, location, size, condition, and planting details.

3. Grading and drainage plan. Elements to be shown are:

- a. existing and proposed contours;
- b. drainage patterns: channels, drainage inlet, rim, invert and spot elevations; and
- c. soil erosion and sediment control measures for construction and final phases of development.

(h) Final site plan action.

1. The Department of Community Planning, together with appropriate Municipal departments, will review the final site plan. The Director of Community Planning shall, within 30 days of receipt of the final site plan, render a decision on the submittal of either approval, approval with conditions, or denial.
2. A decision of the Director of

Community Planning on the final site plan may be appealed to the Platting Board upon submission of a written request to the secretary of the Platting Board within 15 days of issuance of the Director of Community Planning's decision. The Platting Board may employ its independent judgement when applying the review criteria of 21.45.190 (1) (2) (d) to the proposed final site plan. (AO 82-54).

STANDARDS FOR CONDITIONAL USES

Sections:

- 21.50.010 Scope of Chapter — Procedures.
- 21.50.020 General Standards for all Conditional Uses.
- 21.50.030 Standards — Hospitals, Sanitariums, Convalescent Centers, Nursing or Rest Homes, Rehabilitation Centers, Correctional Institutions, Psychiatric Institutions and Similar Institutions.
- 21.50.040 Standards — Churches and Other Places of Religious Worship.
- 21.50.050 Standards — Convenience Establishments.
- 21.50.060 Standards — Gasoline Service Stations.
- 21.50.070 Standards — Natural Resource Extraction.
- 21.50.080 Standards — Storage Yards.
- 21.50.085 Standards — Mini-storage.
- 21.50.090 Standards — Junk Yards.
- 21.50.100 Standards — Off-street Parking Spaces and Structures.
- 21.50.110 Standards — Town Houses, Row Houses, and Office Buildings Built to a Common Wall (R-O District).
- 21.50.120 Standards — Mobile Home Parks.
- 21.50.130 Standards — Planned Unit Development.
- 21.50.140 Cemeteries.
- 21.50.150 Standards — Child Care Service.

21.50.010 Scope of Chapter — Procedures.

Conditional Uses may be granted by the Planning and Zoning Commission as prescribed in Section 21.15.030 in accordance with the required finding set forth in that chapter and the additional standards set forth in this chapter. In considering an application for a Conditional Use, the Commission shall require the applicant to produce satisfactory evidence of compliance with general and specific standards set forth in this Title. In accordance with Section 21.15.030, the Commission may impose any conditions reasonably necessary to further the purpose and intent of this Title, to protect the public health, safety and welfare, and to meet planning goals set forth in the Comprehensive Development Plan. (For rules governing the application, consideration, approval and enforcement of Conditional Uses, refer to Section 21.15.030). (Adapted from GAAB 21.05.060M and 21.05.080, am AO 77-355).

21.50.020 General Standards for All Conditional Uses.

A. The Planning Commission shall review the required submission documents of each application for a Conditional Use to assure that the proposed development will integrate compatibly with existing land uses and with permitted

uses that may be established within any area to be affected by the proposed development. No Conditional Use design may be approved which will have a permanent negative impact on those items listed below substantially greater than that anticipated from permitted development:

1. pedestrian and vehicular traffic circulation and safety;
2. reasonable and economic extension of public utilities and facilities;
3. noise, fumes, dust or other environmental pollution;
4. the maintenance of logical and efficient development patterns and land use mixtures;
5. the maintenance of property values in accordance with established and permitted land uses.

B. Where the approval of a Conditional Use application would result in the interface of residential and nonresidential uses, any approval of the Conditional Use shall impose conditions and design standards necessary to ensure the maintenance of residential property values and the safety, health, comfort and repose of residents.

- C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the Planning Commission where necessary to ensure compliance with the Comprehensive Development Plan or the purpose and intent of the zoning regulations. (Adapted from (GAAB 21.05.060 and 21.05.080).

21.50.030 Standards — Hospitals, Sanitariums, Convalescent Centers, Nursing or Rest Homes, Rehabilitation Centers, Correctional Institutions, Psychiatric Institutions and Similar Institutions.

- A. The proposed site shall have direct access from a street of Class I or greater designation as shown on the Official Streets and Highways Plan.
- B. Minimum lot size:
 - 1. 1 - 10 beds 1/2 acre (21,780 sq. ft.)
 - 2. 11 - 20 beds 1 acre (43,560 sq. ft.)
 - 3. for each additional 10 beds 1/2 acre (or greater if required by the Planning Commission)
- C. Minimum yard requirements. The Planning Commission may specify such yard requirements as in its judgment will adequately protect the integrity of surrounding areas and uses.
- D. Maximum lot coverage by all buildings: 20%.
- E. Maximum height of structures: same as required for permitted uses in the zoning district where the site is located.
- F. Off-street parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be as provided in the supplementary district regulations.
- G. Landscaping. All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees.
- H. Walls and screenings. Where it deems necessary, the Planning Commission may require that the site be fully enclosed by a wall or fence to prevent casual access to and from the site, or that the periphery of the site be suitably screened by evergreen planting or by other natural planting of sufficient height and density to provide and maintain a year-round visual screen.

- I. A quasi-institutional house must meet the operational standards set forth in Title 16 of this Code. (Adapted from GAAB 21.05.060M).

21.50.040 Standards — Churches and Other Places of Religious Worship.

- A. A property line of the proposed church site of at least 50 feet in length shall be abutting to a street of Class I (collector) or greater designation as shown on the Official Streets and Highways Plan.
- B. The minimum lot size for a church in any district where they are permitted by Conditional Use shall be 14,000 square feet. Minimum lot width shall be 100 feet.
- C. Minimum yard requirements. The Planning Commission may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses.
- D. Maximum lot coverage: same as is required for permitted uses in the zoning district where the site is to be located.
- E. Maximum height of structures: same as is required for permitted uses in the zoning district where the site is located.
- F. Off-street parking. At least one parking space shall be provided for each five occupants based upon maximum seating capacity of the nave or for each five occupants based upon maximum seating capacity of all meeting areas in the structure exclusive of the nave (whichever is greater) as calculated under the latest edition of the Uniform Building Code. Parking spaces shall be at least 8 feet by 20 feet in size, and all driveways, maneuvering areas and parking areas shall be paved.
- G. Landscaping. All areas of the site not devoted to buildings, structures, parking areas, walkways or driveways shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees.
- H. Signs. The design and placement of religious symbols which fall within the definition of signs as used in this Title shall be reviewed by the Commission to ensure compatibility with the affected neighborhood. (GAAB 21.05.060M).

21.50.050 Standards — Convenience Establishments.

- A. The following uses are considered to be within the scope and intent of the Conditional Use provision which allows convenience establishments in an R-3, R-4 or R-5 zoning district:

1. grocery stores and delicatessens;
 2. meat and seafood markets;
 3. retail bakeries;
 4. hardware stores;
 5. shoe repair shops;
 6. appliance repair shops, fix-it shops;
 7. drugstores;
 8. coin-operated self-service laundries;
 9. beauty shops;
 10. barbershops;
 11. bookstores and stationery stores;
 12. other similar uses as may be approved by the Planning Commission.
- B. The proposed site shall be separated from any like convenience establishment or commercial district by at least 1,000 feet.
- C. The minimum lot size for a convenience establishment in any district where they are permitted by Conditional Use shall be 14,000 square feet. Minimum lot width shall be 100 feet.
- D. Minimum yard requirements:
1. front yard: 20 feet, except as provided in Chapter 21.40 or by the Commission;
 2. side and rear yards: the Planning Commission may specify such side and rear yards as in its judgment will adequately protect the integrity of surrounding areas and uses.
- E. Off-street parking. Adequate off-street parking shall be provided in connection with any permitted use, the minimum for each use to be as provided in Chapter 21.40.
- F. Loading. Where applicable, off-street loading facilities shall be provided in accordance with Chapter 21.40.
- G. Signs. Each business shall be allowed one flush-wall sign per business frontage. No sign shall exceed 32 square feet in area. No more than one sign for any business shall be placed on any one face of the building. No flashing, blinking, moving or animated self-illuminated signs shall be permitted, and no source of incandescent or mercury vapor illumination for any sign on the premises shall be directly visible from the property.
- H. Landscaping. All areas not devoted to buildings, structures, drives, walks, off-street parking facil-

ities, or other authorized installations shall be covered with one or more of the following: concrete or asphaltic compound, gravel, lawn grass, natural or ornamental shrubbery or trees. (Adapted from GAAB 21.05.060M).

21.50.060 Standards — Gasoline Service Stations.

A. Site location:

1. at the intersection of any two Class I or greater streets, according to the Official Streets and Highways Plan;
2. along any Class II or greater street, according to the Official Streets and Highways Plan.

B. Site design and development:

1. minimum site dimensions:

- a. minimum lot size: 14,000 square feet;
- b. minimum frontage on any one street: 100 feet;
- c. minimum building setback from any street right-of-way: 40 feet;
- d. minimum building setback from any interior property line: 20 feet;
- e. minimum pump island setback from any property line: 15 feet.

2. architectural treatment. In cases where there is existing development of a particular architectural character, the Planning Commission may require that the service station be unique and attractively designed in keeping with the prevailing architectural character, rather than of stock design.

3. curb cuts:

- a. There shall be only two access points on concrete approaches per street frontage;
- b. The width of the curb cuts and their respective distance from any property line or street intersection shall be subject to the approval of the Traffic Engineer and/or the State Highway Department.

4. paving and drainage:

- a. All driveway approaches, parking areas, and the general area in front of the service station and around the pump islands shall be paved with asphaltic com-

pound or concrete. The remaining ground area of the site shall be improved with any of the following materials: asphaltic or concrete paving, stabilized gravel, lawn grass, natural or ornamental shrubbery or trees;

- b. Drainage flow lines shall be shown on the site plan. If the plan indicates that the surface drainage will be carried off the site, the plan will be subject to the approval of the Public Works Department.
- 5. trash: All outside trash areas shall be completely enclosed. Trash storage facilities shall be constructed of materials compatible with the main building.
- 6. utilities: All utilities, including electric and telephone, shall be placed underground.
- 7. walls: In certain cases, the Planning Commission may require that a wall or fence be erected on all interior property lines. Where required, the wall or fence shall be solid in nature, at least six feet in height, and maintained in an attractive manner. The height of the wall or fence shall be reduced to 30 inches within any street setback area or corner cutback area. If entrance to an abutting alley or shopping center area is permitted, such walls shall be reduced to 30 inches in height, 10 feet on each side of such entrance.
- 8. parking:
 - a. Parking vehicles on the site of a service station is prohibited, except for such vehicles which are in the process of being serviced, those vehicles belonging to employees on their tour of duty, and those, including no more than two trucks, which are owned by the business;
 - b. Parking is prohibited where it will obstruct the view of the traffic at intersections.
- 9. Lighting: All exterior lighting of the building and site shall be so arranged and shielded that there will be no glare onto adjacent properties or public right-of-way.
- 10. Landscaping:
 - a. Details of landscaping may be set out by the Planning Commission through a review of the precise plan of design;
 - b. General guideline is the requirement of

landscaping features which will allow the station to become as homogenous as possible with the neighborhood in which it is located.

- C. Signs. Signs may be regulated by the Commission or by pertinent district regulations as specified in Chapter 21.40.
- D. Outside displays. Outside display of merchandise shall be limited to petroleum products and auto-related equipment. (Adapted from GAAB 21.05.060M).

21.50.070 Standards — Natural Resource Extraction.

- A. In addition to the materials required by Section 21.15.030E, an applicant for a natural resource extraction Conditional Use shall submit the following:
 - 1. site plan description, including:
 - a. drainage;
 - b. existing and proposed topographical contours (10' contour);
 - c. work depths;
 - d. overburden and debris disposition;
 - e. erosion and sediment control plans;
 - f. all waste disposal disposition;
 - g. detailed revegetation plans;
 - h. water table information.
 - 2. proposed hours of operation;
 - 3. landscaping and buffering plans for the period of natural extraction operations and for final restoration of the site;
 - 4. security plan to prevent casual trespass;
 - 5. description of natural resource extraction and processing operations proposed for the site;
 - 6. location of points of vehicular access to the site and projected traffic counts for each;
 - 7. an estimate of the quantity of materials to be removed from the site and timetable, with supporting calculations conforming to generally accepted engineering principles;
 - 8. such other materials as the Director of the Department of Community Planning may require by regulation pursuant to Chapter 3.40 of this code;

9. the site plan shall be subject to review and approval of the Department of Public Works for drainage, erosion, and sedimentation control; conformance with the 208 Areawide Water Quality Management Plan; and for compliance with generally accepted sound engineering principles.

B. The Planning Commission may approve a natural resource extraction Conditional Use only if the Commission finds that the use meets the following standards:

1. Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free. Where access roads intersect arterials, suitable traffic controls shall be established.
2. The extraction operations will not pose a hazard to the public health and safety.
3. The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interface with surrounding land uses.
4. The restoration plan for the site assures that after extraction operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition.
5. The proposed use meets such additional standards for natural resource extraction Conditional Uses as the Director of the Department of Community Planning may establish by regulation pursuant to Chapter 3.40 of this Code.

C. The Commission shall attach such conditions to the approval of a natural resource extraction Conditional Uses as it finds are necessary to conform the use to the standard set forth in subsection B of this section. (AO 79-214).

21.50.080 Standards — Storage Yards.

- A. The proposed site shall have direct access from a street of Class I or greater designation as shown on the Official Streets and Highways Plan.
- B. The proposed site shall not be located within 300 feet of any school, hospital, public building or other place of public assembly.
- C. The minimum lot size for a storage yard in any district where they are permitted by Conditional Use shall be two acres. The minimum lot width shall be 150 feet.
- D. The storage yard shall be completely enclosed

and obscured from the public view by a solid fence or wall of at least six feet in height, by topography, or by evergreen planting or other natural planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the Conditional Use application. If a Conditional Use is granted, the screening which is approved shall be fully constructed, inspected and approved prior to the yard's being utilized. Failure to maintain the screen as specified shall be cause for the Conditional Use to be rescinded, and the storage yard shall be removed at the cost of the owner of the land upon which it is located.

- E. Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams. A drainage plan which carries water off the site shall be subject to the approval of the Public Works Department. Failure to prevent contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams shall be cause for the exception to be rescinded and the storage yard shall be removed at the cost of the owner of the land upon which it is located. (Adapted from GAAB 21.05.060M).

21.50.085 Standards — Mini-Storage.

- A. The proposed site shall contain no less than one acre and no more than five acres and shall have direct access from a street with a Class I or greater designation as set forth in the Official Streets and Highways Plan.
- B. Minimum yard requirements. The Planning Commission may specify such yard requirements as necessary to adequately protect the integrity of surrounding areas and uses.
- C. Maximum lot coverage by all buildings: 50%.
- D. Maximum height of structures shall be two stories.
- E. Adequate off-street parking shall be provided as follows:
 1. two parking spaces per apartment;
 2. one parking space for every 300 square feet
 3. one parking space for each 10 storage units.
- F. Landscaping.
 1. All areas not devoted to building structures, drives and walkways shall be landscaped or paved;

2. A landscaping plan must be approved by the Commission.

G. Paving and drainage.

1. All driveways and walkways shall be paved;
2. Drainage flow patterns shall be shown on the site plan or a separate approved map. If plans indicate that surface drainage will be carried off, the site plan will be subject to the approval of the Public Works Department.

- H. Access shall be limited to one access per street frontage. The width and distance of any access from any property line or street intersection will be subject to the approval of the Traffic Engineer or the State Department of Transportation.

- I. Permitted accessory uses. The site may contain no more than one on-site dwelling unit.

- J. Lighting. Exterior lighting shall be so arranged and shielded so as to prevent glare on adjacent properties or rights-of-way.

- K. Fencing. Any site boundary abutting a residential zoning district or other property with existing residential development shall be fenced with a site-obscuring structure with a minimum height of six feet.

- L. Any outside storage of recreation vehicles or motorized equipment shall be separated from buildings and may be subject to additional fencing requirements.

- M. The storage of explosives, radioactive materials or any other hazardous substances is prohibited. (AO 78-28).

21.50.090 Standards — Junkyards.

The term "junkyards" shall include, for the purpose of this section, the terms auto wrecking yard and salvage or scrap yard.

- A. The proposed site shall not be located within 500 feet of any school, hospital, public building, residential subdivision, or place of public assembly.
- B. The proposed site shall have direct access from a street of Class II or greater designation as shown on the Official Streets and Highways Plan.
- C. The minimum lot size for a junkyard in any district where they are permitted by Conditional Use shall be two acres. The minimum lot width shall be two acres. The minimum lot width shall be 150 feet.
- D. The junkyard shall be completely enclosed and

obscured from the public view by a solid fence or wall at least eight feet in height, by topography, or by evergreen planting or other natural planting of sufficient height and density to provide and maintain a year-round visual screen. The specific type of screening shall be specified in the Conditional Use application. If the Conditional Use is granted, the screening which is approved shall be fully constructed, inspected and approved prior to the yard's being utilized. Failure to maintain the screen as specified shall be cause for the Conditional Use to be rescinded and the junkyard shall be removed at the cost of the owner of the land upon which it is located.

- E. Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. The drainage plan which carries water off the site shall be subject to the approval of the Public Works Department. Failure to prevent such contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams shall be cause for the exception to be rescinded and the junkyard to be removed at the cost of the owner of the land upon which it is located. (Adapted from GAAB 21.05.060M).

21.50.100 Standards — Off-Street Parking Spaces and Structures.

- A. The minimum lot size for any off-street parking structure in any district where they are permitted by Conditional Use shall be 10,000 square feet. Minimum lot width shall be 80 feet.
- B. Minimum yard requirements. The Planning Commission may specify such yards as in its judgment will adequately protect the integrity of surrounding areas and uses, and the safe and orderly flow of pedestrian and vehicular traffic.
- C. Maximum height of structures: same as is required for a permitted use in the zoning district where the site is located.
- D. Landscaping. All areas not devoted to buildings, structures, drives, walks, parking areas or other authorized installations shall be covered with one or more of the following: lawn grass, natural or ornamental shrubbery or trees. Further, where any side yard abuts residential property, it shall be planted with mature evergreen trees or shrubs of at least five feet in height.
- E. Paving, drainage and parking stall size:
 1. The off-street parking area, including all ingress and egress points shall be paved;

2. Parking spaces shall be at least eight feet by 20 feet in size and shall be marked;
3. If the site plan indicates that surface drainage will be carried off the site, the plan will be subject to the approval of the Public Works Department. (Adapted from GAAB 21.05.060M).

21.50.110 Standards — Town Houses, Row Houses, and Office Buildings Built to a Common Wall (R-O District).

- A. Minimum yard requirements:
 1. front yard: 10 feet;
 2. side yard: at the common wall - none; other — five feet;
 3. rear yard: 10 feet.
- B. Maximum lot coverage: same as is required for permitted uses in the zoning district where the site is located.
- C. Maximum height of structure: same as is required for permitted uses in the zoning district where the site is located.
- D. Off-street parking:
 1. town houses, row houses: At least one parking space shall be provided for each unit;
 2. office buildings: per use, the minimum to be as provided in Chapter 21.45;
 3. All parking spaces shall be at least eight feet by 20 feet in size, and all driveways, maneuvering areas shall be paved.
- E. Ground cover. All areas of the site not devoted to buildings, structures, parking areas, courts, walkways or driveways shall be covered with one or more of the following: lawn grass, shrubbery or trees.
- F. Building agreements. A common party wall agreement must be recorded. (Adapted from GAAB 21.05.060M).

21.50.120 Standards — Mobile Home Parks.

- A. The minimum size of a proposed mobile home park shall be two acres, except as otherwise required for the pertinent use district.
- B. Proposed sites of five acres or less shall have adequate access to dedicated streets having a minimum right-of-way of 60 feet. All other sites shall have direct access to a collector street.
- C. Density for proposed mobile home parks shall not exceed eight units per gross acre.

- D. All areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities, or other authorized installations, shall be covered with one or more of the following: lawn grass, shrubbery, trees, or other suitable ground cover materials. Where it deems necessary, the Planning Commission may require the site to be suitably screened from adjacent lands by evergreen planting or by other materials of sufficient height and density to provide and maintain a year-round visual screen.
- E. All mobile home parks shall meet the standards set forth in Chapter 21.70.
- F. All mobile home parks or mobile home subdivisions of which all or a portion are within the Flood Hazard District shall meet the following requirements:
 1. Over the top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations. Mobile homes more than 50 feet long shall require one additional tie per side. (Applicable on mobile homes constructed earlier than 1976).
 2. Frame ties shall be provided at each corner of the frame with 5 additional ties per side at intermediate points. Mobile homes more than 50 feet long shall require 4 additional ties per side.
 3. All components of the anchorage system shall be capable of carrying a force of 4800 pounds.
 4. Any additions to the mobile home shall be similarly anchored.
 5. All applications for a Conditional Use for a mobile home park or mobile home subdivision shall include an evacuation plan indicating alternative vehicular access and escape routes during times of flooding.
- G. No mobile homes shall be placed within the regulatory floodplain except mobile home parks existing before September 25, 1979 shall be permitted to place mobile homes within existing unit spaces.

21.50.130 Standards — Planned Unit Development.

- A. Intent. A Planned Unit Development (PUD) is intended to allow flexibility in the Zoning Ordinance and to achieve the creation of a more desirable environment than would be possible through a strict application of the Zoning Ordinance.

nance. The Commission shall evaluate the proposed planned unit development in accordance with the following criteria:

1. Creative use of the land, imaginative architectural design, a consolidation of usable open space and recreation areas, and the preservation of natural features;
2. The mixing of compatible land uses, residential densities and housing types within the neighborhood;
3. The efficiency of the configuration of utilities, vehicular circulation and parking facilities;
4. Enhancing the surrounding environment;
5. Maintaining population densities and lot coverage that are consistent with available public services and the Comprehensive Plan.

B. General provisions. All residential, business and industrial Planned Unit Developments shall meet the following minimum standards. In addition, the Commission may require compliance with such other design standards relating to the construction, design and placement of buildings, landscaping, streets, roadways, pathways, drainage ways and other site design features as it may deem necessary. The Commission shall develop and publish guidelines to assist developers in meeting such standards.

1. The minimum site area for a Planned Unit Development shall be 2.0 acres for PUD's located entirely in zoning districts R-2, R-3, R-4, R-O, B-1, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, or I-3. If any portion of a proposed PUD is located within zoning districts R-1, R-5, R-1A, R-2D, R-2A, R-6, R-7, R-8 or R-9, the minimum site area shall be 5.0 acres. The minimum site area for a PUD within Zoning District R-10 shall be 10 acres.
2. Building design and site development which involve excessive grading for the placement of structure, parking areas, driveways and roadways shall be depicted on a site plan and shall be described in the written documents.
3. Major internal streets which are intended to serve a Planned Unit Development shall be functionally connected to existing or proposed streets to provide adequate ingress and egress.
4. All new utilities shall be installed underground.

5. A Planned Unit Development shall be in accordance with the Comprehensive Plan.
6. All areas not devoted to buildings, structures, drives, walks, bike paths, off-street parking facilities or other authorized installations shall be landscaped.
7. All developments shall meet fire safety requirements established by the Municipal Fire Department.

C. Residential Planned Unit Developments. Planned Unit Developments in districts presently zoned R-1, R-1A, R-2, R-2A, R-2D, R-3, R-4, R-5, R-6, R-7, R-8, R-9, D-2, and D-3 shall be limited to residential Planned Unit Developments. In addition to meeting the standards set forth in the general provisions for all PUD's, residential PUD's shall meet the following minimum standards:

1. density. The number of dwelling units per acre allowable on the gross area of a residential PUD shall be determined by the Planning Commission. However, in no event may the number of dwelling units per acre exceed the maximums established by the following schedule:

Zoning District	Dwelling Units/Acre (gross area)
R-1 and R-5	8
R-1A	6
R-2D	15
R-2A	12
R-2	22
R-3	55
R-4	110
R-6	1.8
R-7	4.5
R-8	.4
R-9	.9
R-10	See 21.40.115(f)

2. open space. A minimum of 30% of the site shall be reserved as usable open space. At least one-half of such usable open space shall be contiguous, and no portion of the required open space may be less than 2,000 square feet in area nor less than 30 feet in its smallest dimension. A minimum of 12% and a maximum of 50% of required open space shall consist of yards which shall be reserved for the residents of individual dwellings. In multi-story buildings, balconies or decks may be used in lieu of yards provided that the total area of all balconies or decks is not less than the total yard area which would otherwise be required. Uses in the R-10

zone shall, in addition, conform to the maximum coverage requirements of that use district.

3. height. Height limitations may be exceeded by an additional five feet in districts presently zoned R-1, R-1A, R-2, R-2A, R-2D, R-8, R-9 or R-10. Height limitations may be exceeded by an additional 10 feet in districts presently zoned R-3 and D-3.
4. use. Permitted uses shall be limited to residential and accessory uses, convenience establishments and personal or professional services. A residential PUD may not include the storage or use of mobile homes or quonset huts. Any nonresidential use must be specifically authorized as to its exact location, type and size. In no event shall the floor area of nonresidential uses exceed 10% of the total internal floor area of the PUD.
5. design:
 - a. Any nonresidential use permitted in a residential PUD shall be compatible with the residential nature of the development. Parking areas which are intended to serve nonresidential uses shall be separated from those designed to serve residential areas. Unless commercial and residential uses are combined within a single structure, commercial uses shall be separated from dwelling units by a heavily landscaped buffer zone having a minimum width of 30 feet.
 - b. Pedestrian paths shall connect residential uses and nonresidential uses within a residential PUD.
 - c. A buffer zone containing extensive landscaping shall be located along all boundaries of a PUD site which are adjacent to a nonresidential district or a major or minor arterial or a collector street.
 - d. Any two adjacent buildings within a PUD shall be separated from each other by a distance equal to one-half the height of the taller building.
 - e. Streams shall, except for necessary bridges and crossings, be separated from streets, parking areas and structures with a landscaped buffer zone having a minimum width of 50 feet.
 - f. Walls and ceiling-floor assemblies which are common to any two dwellings

shall have a minimum STC acoustic rating of 55 and a minimum fire rating of one hour.

- g. Each required parking space for residential uses shall be provided with an electrical outlet.
6. Homeowners' agreements. Any PUD which will involve the formation of a horizontal property regime under the terms of AS 34.07.030 et seq. or any mandatory homeowners' or similar association must submit for review by the Commission the articles of incorporation and bylaws of any such association prior to the sale of any property subject to the association. The Commission may require any provisions necessary to ensure that the provisions and intent of this Title are met.
- D. Business Planned Unit Developments. A business PUD may be allowed upon property in districts designated B-1, B-2A, B-2B, B-2C, B-3, B-4, and R-O. A PUD in any such district may include only those uses which are permitted principal uses and structures in any of the above-referenced districts provided that no use involving outdoor storage of inventory, hotel uses or wholesale uses shall be permitted where it would not otherwise be permitted in the district in which the PUD is located. In addition to meeting standards set forth in the general provision for all PUD's, a business PUD shall meet the following minimum standards:
 1. Parking lots shall be landscaped;
 2. A business PUD shall be separated from adjacent residential areas by a heavily landscaped buffer. Dense hedges, earth berms, or masonry walls may be used to screen views of service and loading areas.
 3. A business PUD shall provide for safe and convenient pedestrian circulation.
 4. Principal vehicular access points shall permit smooth traffic flow with controlled turning movements and to minimize hazards to vehicular or pedestrian traffic. Access points shall be located in relation to major thoroughfares so that traffic congestion will not be created by the proposed development.
 5. The maximum number of residential dwelling units per acre allowable within a business PUD shall be determined by the following schedule. If a business PUD is designed to include residential uses, the area to be devoted to such uses shall be identified on

the PUD site plan, and the allowable density shall be calculated based only upon the areas indicated for residential use:

Zoning District	Dwelling Units/Acres (gross area)
B-1	12
B-2A	180
B-2B	120
B-2C	150
B-3	60
B-4	12
R-O	120

- E. Industrial Planned Unit Developments. An industrial PUD may be allowed upon property in zoning districts I-1, I-2, and I-3. An industrial PUD may include only such uses as are permitted principal uses and structures in the district in which the proposed PUD is located.

In addition, a residential PUD may be allowed in zoning districts I-1, I-2, and I-3 provided, however, that any residential uses must be situated on an area of at least 10 acres including dedicated streets which is separated from industrial and commercial areas by a heavily landscaped buffer zone of at least 75 feet in width. A residential PUD which is located in zoning district I-1, I-2, or I-3 must conform to all of the standards required for a residential PUD in the R-3 zoning district. In addition to meeting standards set forth in the general provisions for all PUD's, an industrial PUD shall meet the following minimum standards:

1. Industrial PUD's shall be separated from adjacent residential areas by a heavily landscaped buffer at least 75 feet in width. Dense hedges, earth berms or masonry walls may be used to screen views of service, loading and open storage areas.
2. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and to minimize hazards to vehicular or pedestrian traffic. Access points shall be located in relation to major thoroughfares so that traffic congestion will not be created by the proposed development. (Adapted from GAAB 21.05.060M, am AO 78-231).

21.50.140 Cemeteries.

- A. The minimum site area for a cemetery shall be 20 acres.
- B. The site shall contain a 50' wide landscape buffer immediately within its perimeter, which shall be continuous except at points of ingress to, and egress from, the cemetery.
- C. Burial plats shall be platted in accordance with Section 21.15.125.
- D. Notwithstanding the minimum lot area for any zone, there shall be no more than 1500 burial plots per gross acre.
- E. No burial plots shall be established where interment would occur below the ground water table.
- F. All cemeteries shall have access to a street designated on the Official Streets and Highways Plan as having a capacity of Class I Collector or greater. (AO 79-25).

21.50.150 Standards — Child Care Services

The following requirements shall apply to day care and 24-hour child care facilities, when such facilities are permitted by Conditional Use:

- A. The property shall abut a Class I Collector or greater street along at least 50 feet of its property line.
- B. The minimum lot size shall be at least 14,000 square feet; the minimum lot width shall be 100 feet except that, in the R-2A and R-2D districts the minimum lot size and width shall be the same as permitted use.
- C. Any use shall meet the standards of the supplementary district regulations, in addition to any requirements imposed by the Conditional Use. Additional restrictions as to the size of the use, hours of operation or other use restrictions may be required to meet the Conditional Use standards and insure compatibility with the neighborhood.
- D. Particularly consideration shall be given to insure that any child care services use not create an undue burden to local streets, local water or sewer facilities, where such facilities are maintained privately. (AO 81-67S).

Chapter 21.55

NONCONFORMING USES

Section:

21.55.010	Nonconformities — Intent.
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21.55.030	Nonconforming Uses of Land.
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21.55.050	Nonconforming Uses of Structures.
21.55.060	Repairs and Maintenance.
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21.55.080	Cessation of Automobile Wrecking Yards, Salvage Yards and Junkyards.
21.55.090	Mineral Resource Operations.
21.55.100	Nonconforming Parking , Loading, Signs or other Characteristics of Use.
21.55.110	Continuity of Prior Conditional Uses and Variances.

21.55.010 Nonconformities — Intent.

Within the zoning districts established by this Title or amendments that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the effective date of the applicable regulations, but which would be prohibited, regulated, or restricted under the terms of Chapters 21.35 through 21.50 or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their perpetuation. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of land or structure, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this chapter by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the original effective date of adoption or amendment of this Title and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position

and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently. (GAAB 21.05.070A).

21.55.020 Nonconforming Lots of Record.

- A. In any district, notwithstanding limitations imposed by other provisions of Chapter 21.35 through 21.50, permitted principal uses and structures, and customary accessory buildings may be erected on any lot which is of record at the effective date of the original adoption or amendment of applicable regulations except as restricted in subsection B hereof. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are applicable in the district. Furthermore, setback requirements applicable to those nonconforming lots of record shall be those of the zone with the largest lot area requirement within which the lot would be conforming.
- B. If two or more lots, with continuous frontage in single ownership and containing less than 7,000 square feet of area in each lot are of record at the effective date of this Title, and are nonconforming by virtue of this Title or any amendment thereto, the lands involved shall be considered to be an undivided parcel for the purpose of this Title and no portion of such parcel shall be sold

or used which does not contain a lot area of 7,000 square feet or a lot width of 60 feet. (GAAB 21.05.070B).

21.55.030 Nonconforming Uses of Land.

Where at the time of the original passage of applicable regulations, lawful use of land existed which would not be permitted by the regulations thereafter imposed by Chapters 21.35 through 21.50, and where such use involves no individual structure other than small or minor accessory buildings, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the relevant regulations.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the relevant regulations.
- C. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of land shall conform to the regulations specified by this Title for the district in which such land is located.
- D. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land. (GAAB 21.05.070C).

21.55.040 Nonconforming Structures.

Where a lawful structure existed at the original effective date of adoption or amendment of applicable regulations that could not be built under the terms of current regulations set forth in Chapters 21.35 through 21.50 by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Title.

- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. A residential structure in a residential zone may be enlarged, so long as the addition to the structure conforms to all the requirements set forth in this Title.
- E. Notwithstanding subsections A through D hereof, mobile homes may be repaired or moved within the lot in compliance with setback and yard requirements if the mobile home occupied the lot at the time of adoption of applicable regulations. (Adapted from GAAB 21.05.070D).

21.55.050 Nonconforming Uses of Structures.

If lawful use involving individual buildings or structures, or of structure and premises in combination, exists at the original effective date of adoption or amendment of applicable regulations contained in Chapters 21.35 through 21.50 that would not be allowed in the district under the terms of current regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of applicable regulations, but no such use shall be extended to occupy and land outside such buildings.
- C. If no structural alterations are made, any nonconforming use of structure and premises may be changed to another nonconforming use provided that the Board of Examiners and Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Examiners and Appeals may require appropriate conditions and safeguards.
- D. Any structure and premises, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the use regulations for the district, and the nonconforming use may not thereafter be resumed.

- E. When a nonconforming use of a structure and premises is discontinued or abandoned for one year (except when government action impedes access to the premises), the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- F. Where nonconforming use status applies to a structure and premises, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction" for the purpose of this subsection is defined as damage to an extent of more than 50% of the replacement cost at time of destruction. (GAAB 21.05.070E).

21.55.060 Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement on nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. (GAAB 21.05.070F).

21.55.070 Uses Permitted Under Conditional Use Provisions.

A use existing before the original effective date of applicable regulations that is permitted as a Conditional Use in the district in which it is located under the terms of this Title, shall not be deemed a nonconforming use. Such use shall be considered to exist as a Conditional Use. The scope of the Conditional Use shall be governed by the provisions of this chapter unless modified by the Planning Commission in accordance with Section 21.15.030. (Adapted from GAAB 21.05.070G).

21.55.080 Cessation of Automobile Wrecking Yards, Salvage Yards and Junkyards.

- A. Notwithstanding any other provisions of this chapter, any automobile wrecking yard, salvage yard or junkyard in existence in any public lands and institutions district or residential district at the expiration of three years from the effective date of the classification of such district or three from the original effective date of this section (whichever is greater), shall become a prohibited and unlawful use and shall be thereafter discontinued.

- B. Licensees of uses affected by subsection A hereof shall be notified by certified mail of such zoning classification and such notice shall include the expiration date.
- C. All uses affected by subsection A hereof shall comply with Section 21.55.030 and all other Codes and Ordinances pertinent to such uses. Should such uses be in violation of any Codes or Ordinances, such uses shall upon written notice cease, and all lands shall, thereafter, be used only in a conforming manner. (GAAB 21.05.070H).

21.55.090 Mineral Resource Operations.

Notwithstanding the provisions of Section 21.55.070, where exploitation of mineral resources exists as a nonconforming use and has been in continuous existence since April 21, 1969, or before, that use may continue provided the owner thereof complied with the following:

- A. On or before March 31, 1978, the owner shall obtain approval by the Municipal Planning and Zoning Commission of, and agree to abide by, a development and restoration plan for the property. The plan shall include:
 1. graphic and legal description of the petition area;
 2. existing topographic contours (not more than two-foot contour intervals);
 3. finished topographic contours when extraction is completed (not more than two-foot contour intervals);
 4. drainage features;
 5. existing buildings and structures on the site;
 6. current vegetation and proposed plans for revegetation once operations have ceased;
 7. access points which will be used by trucks and equipment, including ingress and egress points and internal circulation.
- B. A narrative statement shall also be submitted with the development and restoration plan. The narrative shall be based on existing and foreseeable information and shall detail the following information:
 1. site drainage plan;
 2. method of securing the area to prevent casual access;
 3. estimated amount of material to be removed from the site;
 4. proposed hours of operation;

5. a proposed amortization schedule and supporting documentation for consideration by the Commission which specifies the date the owner would cease operations;
 6. description of operations or processing which will take place on the site during and after the time the material is extracted;
 7. plan or program of regrading and shaping the land for future use in accordance with the Municipal Comprehensive Plan.
 8. plans for control of particulates and other air pollutant emissions from the site and equipment used on the site.
- C. In connection with consideration of the owner's proposed development and restoration plan, the Commission shall set a reasonable period of time for discontinuation of the mineral resource operation. Determination of amortization periods shall be based on evidence presented to the Commission by the owner and other interested persons and shall reflect consideration of:
1. the community's need for the mineral resources available through continuation of the owners's resource operation;
 2. relevant financial data including the number of tons of recoverable gravel compatible with the ultimate design profile of the land; the income to be generated by sale of resources at prevailing market conditions; the owner's reasonable return on his investment considering the cost of capital and the risk involved; and the owner's investment in real property, fixtures, and equipment used in the operation;
 3. the compatibility of the operation with the development and expansion of roads, utilities and public services into the surrounding area;
 4. the compatibility of the operation with the present and future development of surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration and other adverse environmental effects.
- D. The Commission may impose reasonable restrictions in the following areas:
1. hours of operation, if necessary to protect the health, safety and welfare of neighboring residents affected by the mineral resource operation;
 2. screening or otherwise limiting access to the pit, if reasonably necessary to protect the public from the dangers therein;
 3. slope ratios necessary to protect the future beneficial uses of the property as described in the owner's plan for development and restoration;
 4. measures to protect public rights-of-way adjoining the mineral resource operation and to guarantee orderly traffic circulation into the pit and the surrounding area;
 5. limitations on drainage or storage of surface waters to protect surrounding property, eliminate dangers to the public, or to protect the future beneficial use of the property as described in the owner's plan for development and restoration.
- E. Hearing. Upon receipt of a development and restoration plan pursuant to subsection A above, the Commission shall conduct a public hearing to receive testimony and exhibits from the owner and other interested persons relating to acceptance of the plan, determination of an amortization period, and regulation of operations pursuant to subsections C and D above. Notice of such hearing shall be provided to the public and to real property owners in the same manner as that required for Conditional Uses other than Planned Unit Developments.
- F. The owner may apply to the Commission for a modification of the development plan, including the amortization schedule or for a modification of restrictions imposed under subsection D based upon changes in conditions since the adoption of the plan. If the Commission determines that the application of the factors set forth in subsection C to the changed conditions reasonably support the request for modification, and that the modification is not adverse to the public interest, the request for modification shall be granted.
- G. Actions of the Planning and Zoning Commission taken herein shall be treated as Conditional Uses for the purposes of appeals to the Municipal Assembly.
- H. This chapter shall not apply to any mineral resource operation continuing under lawful Conditional Use on the date this chapter is effective.
- I. This chapter shall not be construed to prohibit or restrict owners of nonconforming mineral resource operations from raising constitutional or legal objections to decisions of the Planning Commission relating to restoration plans, amortization or conditions of separation. (AO 77-224).

21.55.100 Nonconforming Parking, Loading, Signs or Other Characteristics of Use.

If the characteristics of a use, such as signs, off-street parking, off-street loading, lighting or other matters required by this Title in relation to specified uses of land, water areas, structures or premises, are not in accord with the requirements of this Title, no change shall be made in such characteristics of use which increase nonconformity with such re-

quirements. Change shall be permitted in the direction of conformity to these requirements of this Title. (GAAB 21.05.070J).

21.55.110 Continuity of Prior Conditional Uses and Variances.

Any valid Conditional Use or variance granted prior to the enactment of this Title shall be permitted to continue in accordance with such conditional use or variance. (GAAB 21.05.100C).

FLOODPLAIN REGULATIONS

Sections:

21.60.005	Findings of Fact.
21.60.010	Title — Purpose and Intent.
21.60.015	Interpretation and Disclaimer of Liability.
21.60.020	Creation of Flood Hazard District and Adoption of Official Flood Hazard Reports and Maps.
21.60.030	Definitions.
21.60.040	Establishment of Flood Hazard District.
21.60.050	Schedule of Regulations Applicable to Flood Hazard District.
21.60.060	Schedule of Regulations Applicable to Subdistricts.
21.60.065	Construction Requirements.
21.60.070	Special Flood Hazard Permit.
21.60.080	Nonconforming Uses.
21.60.090	Administrative Agent — Duties.
21.60.100	Appeals.
21.60.110	Variances and Appeals — Standards and Conditions.

21.60.005 Findings of Fact.

- A. The flood hazard areas of the Municipality of Anchorage are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (AO 79-169).

21.60.010 Title — Purpose and Intent.

- A. Title. This chapter shall be known as the "Floodplain Regulations of the Municipality of Anchorage."
- B. Statement of intent and purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize loss due to flood. The provisions of this chapter are intended to be an addition to all other land use regulations and to:

1. restrict or prohibit uses and structures which are dangerous to health, safety or property in time of flood or which cause increased flood heights or velocities;
2. require that uses vulnerable to floods, including public facilities which serve such uses be provided with flood protection or flood proofing at the time of initial construction;
3. minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. minimize prolonged business interruptions;
5. minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (OR 75-111, am AO 79-169).

21.60.015 Interpretation and Disclaimer of Liability

- A. In the interpretation and application of this chapter, all provisions shall be:
1. considered as minimum requirements;
 2. liberally construed in favor of the governing body; and,
 3. deemed neither to limit nor repeal any other powers granted under state statutes.
- B. Warning and Disclaimer of Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Municipality of Anchorage, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (AO 79-169).

21.60.020 Creation of Flood Hazard District and Adoption of Official Flood Hazard Reports and Maps.

- A. Creation of district. There is hereby created a flood hazard district. This district shall be defined in its territorial extent by Sections 21.60.030 and .040 of this chapter and by the following reports and maps:
1. Flood Insurance Study for the Municipality of Anchorage, prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.
 2. Flood Insurance Rate Map (FIRM), prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.
 3. Flood Boundary and Floodway Map, prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.
 4. Flood Hazard Boundary Map (FHBM), prepared by the Federal Insurance Administration, U.S. Department of Housing and Urban Development.

The current editions of each of the above

listed maps and reports are made a part of this chapter. Subsequent maps and reports prepared by the Federal Insurance Administration or the Municipality of Anchorage delineating the Flood Hazard District. Floodway and floodplain areas within the Municipality shall become part of this chapter upon publication. A copy of the above-cited reports and maps shall be on file in the Department of Community Planning of the Municipal. Definitions of terms appearing on the above listed maps and reports appear in 41 CFR Section 19.09.1.

- B. Mandatory review. In no case will longer than five years elapse without an update and review of the existing flood hazard districts maps. The review may be conducted either by the Municipality or the U.S. Army Corps of Engineers or Federal Insurance Administration, and any changes or amendments in the boundaries of the flood hazard district, floodway or floodway fringe area shall then be submitted to the Planning Commission and Assembly for final adoption as part of these regulations.
- C. Rules for interpretation of district boundaries. The boundaries of the floodplain districts established by these regulations shall be determined from the cited maps and reports. Where interpretation is needed as to the exact location of the boundaries, the Planning Department, upon advice from the U.S. Army Corps of Engineers, shall make necessary interpretation.

21.60.030 Definitions.

As used in this chapter, the following terms are specifically defined:

- A. "Administrative agent" is the Director of Public Works or his designee.
- B. "Alaska Water Quality Standards" means those standards set forth in Title 18, Chapter 70 of the Alaska Administrative Code.
- C. "Base flood" (100-year flood) means the flood having a 1% chance of being equaled or exceeded in any given year.
- D. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- E. "Flood or flooding" means:
 1. A general or temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters;
 - b. the unusual or rapid accumulation or runoff of surface waters from any source;
 - c. mudslides which are approximately caused or precipitated by accumulations of water on or under the ground.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tide surge, or by some similarly unusual or unforeseeable event which results in flooding as defined in this subsection.
- F. "Floodplain" means any land area susceptible to being inundated by water from any source.
- G. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- H. "Floodway" — see regulatory floodway.
- I. "Floodway fringe" means that area of land lying between the outer limit of the regulatory floodway and the outer limit of the base flood elevation. The boundaries of this area shall be established on the basis of maps and reports adopted by Section 21.60.020.
- J. "Habitable floor" means any floor usable for living for purposes which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purpose is not a habitable floor.
- K. "Mean sea level" means the average height of the sea for all stages of the tide.
- L. "New structures" means structures for which the start of construction commences on or after September 25, 1979. The start of construction means the first placement of permanent construction, not including the placement of streets, foundations or accessory construction or preparation.
- M. "Obstruction" means any dam, wall; embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge conduit, culvert, building, wire, fence, rock gravel,

refuse, fill structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

- N. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The boundaries of this area shall be established on the basis of maps and reports adopted by Section 21.60.020 hereof.
- O. "Special hazard area" means an area having a special flood, mud slide and/or flood-related erosion hazards.

21.60.040 Establishment of Flood Hazard District.

The area within the limit of the boundary of the base flood, the highest extreme tide or a designated special hazard area is hereby designated as the flood hazard district. The boundaries of this district are established in accordance with Sections 21.60.020 and .030 of this chapter.

21.60.050 Schedule of Regulations Applicable to Flood Hazard District.

- A. The regulations within this section shall apply to all areas of the flood hazard district.
- B. Any encroachments, new construction, fill, obstructions, substantial improvements and other development or action within the regulatory floodway that would result in any increase in flood levels during the occurrence of a base flood are prohibited.
- C. No building permits, encroachment permits, mobile home permits or other land use permits shall be issued for the construction or placing of a structure within the flood hazard district unless the plans show that, in addition to compliance with all other ordinances, regulations and permit requirements, the structure shall meet the following requirements:
 - 1. Prior to final approval of a permit it must be demonstrated that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act amendments of 1972;

2. It must be demonstrated that the structure will be reasonably safe from flooding. If a proposed building site is in a floodplain, all new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage;
 3. The approval of a subdivision application shall require proof that:
 - a. the proposed construction is consistent with the need to minimize flood damage within the floodplain;
 - b. all public utilities and facilities such as sewer, gas, electrical and water systems are to be located and constructed to minimize or eliminate flood damage; and,
 - c. adequate drainage is provided to reduce exposure to flood hazards, and
 - d. base flood elevation data has been provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
 4. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems.
 5. Construction within floodplains shall require that:
 - a. new and replacement sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and
 - b. on site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding;
- D. Storage of material or equipment. The storage or processing of equipment or materials that are buoyant, flammable, explosive or injurious to safety, or would cause a violation of Alaska Water Quality Standards upon contact with water are prohibited.
- 21.60.060 Schedule of Regulations Applicable to Subdistricts.**
- A. Floodway area. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 1. permitted uses and structures: parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities;
 2. permitted accessory uses and structures: picnic tables, playground equipment, outdoor cooking facilities and like structures;
 3. uses, structures and activities permitted only by special flood hazard permit: excavation of sand, gravel and other natural resources, railroad and tramway tracks, streets, bridges, utility installations and pipelines, storage yards for equipment and materials, commercial farming, landfill and land reclamation.
 4. prohibited uses: encroachments not otherwise excepted in this section, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; nor result in violations of the Alaska Water Quality Standards. Mobile homes are prohibited, except as otherwise stated in this chapter.
 - B. Floodway fringe area. The regulations listed in this subsection are applicable to the floodway fringe area:
 1. permitted uses and structures: parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities;
 2. permitted accessory uses and structures: picnic tables, playground equipment, outdoor cooking facilities and like structures;
 3. uses, structures and activities permitted only special flood hazard permits: any use permitted by special flood hazard permit as set forth in subsection A above; all other uses, structures and activities which are in accordance with all other land use regulations and provided they are adequately flood-proofed as set forth in Section 21.60.070;
 4. prohibited uses: uses, structures, and activi-

ties which are not permitted under the preceding provisions of this section or which would cause violations of Alaska Water Quality Standards.

21.60.065 Construction Requirements.

A. All new construction and substantial improvements in areas designated on the Flood Insurance Rate Map as Zones A1-30 shall meet the following conditions.

1. The lowest floor, including basement, of residential structures shall be elevated to or above the base flood level.
2. The lowest floor, including basement, of non-residential structures shall be elevated to or above the base flood level, unless: the structure with all utility and sanitary facilities is designed so that below base flood level the structure is watertight with walls substantially impermeable to the passage of water and so that it is capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Where floodproofing is utilized a registered professional engineer or architect shall certify that the floodproofing methods are adequate.
4. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that repair, and on all property not within a mobile home park or subdivision stands or lots are elevated on compacted fill or on pilings so that:
 - a. the lowest floor of each mobile home must be at or above the base flood level;
 - b. adequate surface drainage and access for a hauler must be provided; and
 - c. for trailers placed on pilings, pilings must be stable and no more than ten feet apart and reinforced if more than six feet above the ground level;
 - d. lots are large enough to permit steps.

5. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

B. All new construction and substantial improvements in areas designated on the Flood Insurance Rate Map as Zone AO shall meet the following conditions:

1. The lowest floor of all residential structures shall be elevated above the crown of the nearest street to the depth number specified on the FIRM.
2. The lowest floor of all non-residential structures shall be elevated as required in subsection B.1 above or shall be completely floodproofed below that level with walls substantially impermeable to passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. All construction in areas designated on the Flood Insurance Rate Map as Zone A99 shall meet all the requirements of subsection A and B above.

21.60.070 Special Flood Hazard Permit.

A. No person shall engage in development within the flood hazard district unless a special flood hazard permit is first issued. Applications for special flood hazard permits may be made to the official administering this chapter on forms furnished by the Municipality, in accordance with Section 21.15.020.

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

1. the finished surface of the first or main floor be at least one foot above the level of the regulatory flood protection elevation;
2. structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation such as working space, living space, sleeping space, etc.;
3. the anchorage is suitable to resist flotation and lateral movement;
4. watertight doors are provided on all floors below the regulatory flood level protection elevation;

5. all areas below the level of the regulatory flood protection levels shall be coated with paints, membranes, or mortars that prevent seepage of water through walls;
6. water supply and waste treatment systems prevent infiltration of water;
7. all interior drains must be connected to the sanitary sewer system.

21.60.080 Nonconforming Uses.

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

- A. No such use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity with respect to the provisions of this chapter.
- B. No repair, alteration or addition shall be made to any nonconforming structure if the value of such repair, alteration or addition shall exceed 50% of the value of the structure at the time of its becoming a nonconforming use unless the structure is permanently changed to a conforming use.
- C. If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.
- D. Uses or adjuncts thereof which are or have become nuisances shall not be entitled to continuance as nonconforming uses.
- E. Any permitted alteration, addition or repair to any nonconforming structure which would result in substantially increasing the flood damage potential shall be adequately flood proofed in accordance with Section 21.60.070.

21.60.090 Administrative Agent — Duties.

- A. The administrative agent shall grant or deny development permit applications in accordance with the provisions of this chapter, except that the Platting Board is directed and authorized to consider this chapter in relation to any matter brought before that Board.
- B. The administrative agent shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the

Federal Insurance Administrator. Form OMB 64-R1546 shall be used in accordance with 41 CFR Section 1909.22(b)(3).

C. Additional duties and responsibility of the administrative agent are as follows:

1. Permit Review
 - a. Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
 - b. Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - c. Review all flood hazard permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 21.60.060(A) are met.
2. Use of other Base Floor Data. When base flood elevation data have not been provided in accordance with Section 21.60.020, the designated agent shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source in order to administer Sections 21.60.050 through .080.
3. Information to be Obtained and Maintained:
 - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved flood-proofed structures:
 - (1) verify and record the actual elevation (in relation to mean sea level), and
 - (2) maintain the floodproofing certifications required in Section 21.60.065(A)(3).
 - c. Maintain for public inspection all records pertaining to the provisions of this section.
4. Alteration of Watercourses.
 - a. Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a water-

course, and submit evidence of such notification to the Federal Insurance Administration.

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

5. Interpretation of FIRM Boundaries.

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 21.60.100.

21.60.100 Appeals.

Appeals alleging error by the administrative agent charged with the enforcement or interpretation of this chapter may be taken to the Zoning Board of Examiners and Appeals in accordance with the provisions of Chapter 21.30.

21.60.110 Variances and Appeals — Standards and Conditions.

A. In passing upon variances or appeals, the Zoning Board of Examiners and Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger of life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity of the facility of a waterfront location, where applicable;
6. the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. the safety of access to the property in times of flood for ordinary and emergency vehicles;

10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

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

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in subsections A.1-11 above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variances increases.

C. The Zoning Board of Examiners and Appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this ordinance.

D. The administrative agent shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.

E. Conditions for Variances.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
5. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevations. (AO 79-169)

AIRPORT HEIGHT ZONING REGULATIONS

Sections:

21.65.010	Title — Purpose and Intent.
21.65.020	Definitions.
21.65.030	Creation of Airport Height Zones and Adoption of the Airport Height Maps.
21.65.040	Adoption and Amendment of Maps.
21.65.050	Height Limitations.
21.65.060	Nonconformities.

21.65.010 Title — Purpose and Intent.

- A. Title. This chapter shall be known as the Airport Height Zoning Regulations of the Municipality of Anchorage.
- B. Statement of Intent and Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and more specifically, to prevent interference between land uses and air traffic. This chapter is intended to be in accordance with the Federal Aviation Regulations (FAR) and shall apply in the appropriate areas in addition to all other land use regulations. (AO 80-55).

21.65.020 Definitions.

As used in this chapter, the following terms are specifically defined:

- A. "Airport" means a tract of land or water that is maintained for the landing and take-off of aircraft and for receiving and discharging of passengers and/or cargo that usually has facilities for shelter, supply and repair of aircraft.
- B. "Airstrip" means a tract of land or water maintained as a runway without a control tower and other normal airport facilities.
- C. "Airport elevation" means the highest point of an airports usable landing area measured in feet above mean sea level.
- D. "Approach", "Transitional", "Horizontal" and "Conical" means surfaces or zones are airspace zones defined as set forth in the Federal Aviation Regulations (FAR) part 77, subpart C.
- E. "Hazards to air navigation" means an obstruction determined to have substantial adverse effect on the safe and efficient utilization of the navigable airspace.

- F. "Height" means for the purpose of this chapter and the Airport Height map, the distance above mean sea level, unless otherwise specified.
- G. "Landing area" means the area of the airport or airstrip used for landing, take-off or taxiing by aircraft.
- H. "Nonconforming" use or "Nonconformities" means any structure, object of natural growth or use of land which is inconsistent with the provisions of this chapter.
- I. "Obstructions" means a structure, vegetation or other object, including a mobile object, which exceeds the height permitted in the obstruction standards of Federal Aviation Regulations (FAR), part 77, subpart C.
- J. "Runway" means a defined area on land or water prepared for use for landing and take-off of aircraft.

21.65.030 Creation of Airport Height Zones and Adoption of the Airport Height Maps.

- A. The owner or manager of any airport may prepare an airport height map in accordance with the provisions of this chapter and the stipulations of the Federal Aviation Regulations (FAR), part 77, subpart C. The owner or managers of a governmentally operated airport shall prepare, within 180 days from the effective date of this chapter, an airport height map in accordance with the provisions of this chapter and the stipulations of the Federal Aviation Regulations (FAR), part 77, subpart C. The map shall be filed with the Department of Community Planning.
- B. The map shall be to scale and show accurately reference the following:
 - 1. existing subdivisions;

2. current zoning districts;
 3. major reference points in the vicinity of the airstrip or airport;
 4. existing topography, if available,
 5. the airport elevation which shall be the official elevation of the airport or airstrip upon approval of the map.
- C. The map shall accurately depict airspace zones as contained in FAR, part 77, subpart C, in ten foot conical increments. The map submitted to the Department of Community Planning must be certified by the Federal Aviation Administration that it depicts FAR, part 77, subpart C. If, for safety reasons, zone surfaces deviate in any way from the requirements of the FAR each such deviation shall be indicated in writing on the map and shall be accompanied by a letter of non-objection by the Federal Aviation Administration. Any such deviations is subject to approval by the Department of Community Planning.

21.65.040 Adoption and Amendment of Maps.

- A. The adoption or amendment of any Airport

Height Zone map shall be processed in the same manner as a official maps, pursuant to section 21.10.015(B)(1)(c). Any Airport Height Zone map or amendment to the map shall be adopted by the Assembly by Ordinance (AO 81-42).

21.65.050 Height Limitations.

- A. No structure or vegetation shall be constructed, allowed to grow, or maintained so that any part of it exceeds the maximum height permitted under FAR, part 77, subpart C, as depicted on any relevant Airport Height Zone Map.
- B. The requirements of this chapter do not supercede, but are in addition to the height restrictions or any other regulations in Title 21.

21.65.060 Nonconformities.

- A. Any land use which is a nonconformity under this chapter shall be governed and restricted by the provisions of Chapter 21.55.
- B. Nonconformities which are in existence or lawfully under construction as of the effective date of this chapter, shall be permitted only in accordance with Chapter 21.55.

Chapter 21.70

MOBILE HOME PARKS

Sections:

21.70.010	Definitions.
21.70.020	Mobile Home Park Regulations — Applicability.
21.70.030	Mobile Home Park Annual Permit Required.
21.70.040	Compliance with other Laws.
21.70.050	Mobile Home Park Standards — Mobile Home Spaces.
21.70.060	Mobile Home Park Standards — Electrical Power.
21.70.070	Mobile Home Park Standards — Streets and Storm Drainage.
21.70.080	Mobile Home Park Standards — Water and Sewage.
21.70.090	Mobile Home Park Standards — Additions.
21.70.100	Mobile Home Park Standards — Refuse.
21.70.110	Mobile Home Park Standards — Fuel.
21.70.120	Mobile Home Park Standards — Campers and Travel Trailers.
21.70.130	Convenience Establishments.
21.70.140	Construction Standards and Responsibility.
21.70.150	Nonconforming Mobile Home Parks.

21.70.010 Definitions.

As used in this chapter the following terms are specifically defined as follows:

- A. "Addition" means an enclosed structure of conventional construction, or a prefabricated enclosed mobile home unit, attached and appurtenant to a mobile home.
- B. "Camper" means a portable structure mounted on a truck or truck chassis or a converted hearse, bus, station wagon or panel truck designed for use as a temporary travel dwelling.
- C. "Cul-de-sac" means a minor street with a permanent turnaround at its end and which turnaround has a greater diameter than the width of the right-of-way.
- D. "Dead-end street" means a right-of-way that terminates without a cul-de-sac or a temporary turnaround and the terminus of which has the same width as the width of the right-of-way.
- E. "Duplex mobile home" means a mobile home designed for occupancy of two families and containing two separate dwelling units.
- F. "Major street" means a right-of-way designed to collect and distribute a heavy volume of traffic (in case of this chapter, the traffic generated by 100 or more mobile home spaces).
- G. "Minor street" means a neighborhood right-of-way designed to carry a small amount of traffic and to provide access and service to a limited number of mobile home spaces (in the case of this chapter, less than 100 mobile home spaces).
- H. "Mobile home" means a detached single-family dwelling unit with the following characteristics:
 - 1. designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
 - 2. designed to be transported after fabrication on its own wheels, on flatbeds or other trailers or detachable wheels and ready for occupancy except for minor and incidental unpacking and assembly operations and connection to utilities;
 - 3. placed upon impermanent foundations or otherwise so placed as to permit moving of the unit to another location during its usable life.
- I. "Mobile home park" means any parcel or adjacent parcels of land in the same ownership which is managed for occupancy by more than two mobile homes. The term does not include tourist facilities for travel trailers or campers, as defined herein.
- J. "Permit" means the license issued for and allowing the establishment and management of mobile home parks as defined in this chapter.

- K. "Right-of-way" means land set aside for the accommodation of traffic movement, whether dedicated or not.
- L. "Space" means a defined land area in a mobile home park on which a mobile home may be placed and which is described by boundary lines measured in terms of:
 1. its depth expressed as a mean distance between the front and rear of the space, measured in the general direction of the side space lines;
 2. its width expressed as a mean distance between the side lines of the space, measured in the general direction of the front and rear space lines.
- M. "Travel trailer" means a vehicular portable structure designed for short-term occupancy as a temporary dwelling for travel, recreational and vacation uses. (Adapted from GAAB 21.20.030).

21.70.020 Mobile Home Park Regulations — Applicability.

Except as provided in Section 21.70.150, all mobile home parks within the Municipality of Anchorage shall be constructed, operated and maintained in accordance with the standards set forth in this chapter. It shall be unlawful for any person to own or operate a mobile home park which does not meet the standards of this chapter. (Adapted from CAC 6.60.20 and GAAB 21.20.040—.050).

21.70.030 Mobile Home Park Annual Permit Required.

No person may construct, operate or maintain a mobile home park without first obtaining an annual permit in accordance with this chapter and Chapter 21.15. The annual permit shall be posted in a conspicuous location on the premises of the mobile home park at all times. (Adapted from CAC 6.60.070 and GAAB 21.20.040—.050).

21.70.040 Compliance With Other Laws.

Mobile home parks shall be constructed, operated and maintained in conformance with all applicable state and local statutes, ordinances, or regulations. Mobile home parks shall be inspected specifically for compliance with zoning, health, and building safety regulations prior to the issuance of the annual mobile home park permit. (Adapted from CAC 6.60.050 and GAAB 21.20.060).

21.70.050 Mobile Home Park Standards — Mobile Home Spaces.

- A. Space occupancy. No mobile home space shall

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

- B. Minimum space requirement. All single mobile home spaces shall have a minimum of 3,000 square feet of land area. A duplex mobile home space shall have a minimum of 4,500 square feet of land area.
- C. Mobile home separation. No part of any mobile home, accessory building or its addition shall be placed closer than 15 feet from any other mobile home or its addition. All mobile homes and accessory structures shall be placed at least five feet from the front space line.
- D. Access. Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets shall be discouraged. (Adapted from GAAB 21.20.070 and .100).

21.70.060 Mobile Home Park Standards — Electrical Power.

All mobile home spaces shall be serviced by 215/230 volt power supply. The electrical power supply connected to the mobile home shall be in accordance with all applicable building safety codes and with the requirements of the utility supplier. (Adapted from CAC 6.60.080 and GAAB 21.20.080).

21.70.070 Mobile Home Park Standards — Streets and Storm Drainage.

- A. Surface. All streets within a mobile home park shall be surfaced with all-weather materials, such as gravel, cinders, asphalt, or concrete to a minimum surface width of 34 feet.
- B. Right-of-way. Any street within a mobile home park that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-way width of 40 feet. Streets within mobile home parks are not required to be dedicated as public right-of-way.
- C. Cul-de-sac streets. No street within a mobile home park shall dead-end except for cul-de-sac streets which are no more than 650 feet in length and having a minimum turning radius of 50 feet at the termination point of the cul-de-sac.
- D. Intersections. No street within a mobile home park shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 125 feet from any other street intersection.

- E. Street frontage. Double frontage spaces are prohibited except that reverse frontage lots may back against streets bordering the mobile home park.
- F. Street layout. Streets shall be laid out so that their use by through traffic will be discouraged.
- G. Street grades. Street grades shall not exceed 6%. Street grades within 100 feet of intersections shall not exceed 4%.
- H. Street curves and visibility. The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.
- I. Drainage. All spaces and street shall be designed to ensure proper drainage. All areas of the mobile home park shall be designed to prevent the accumulation of standing ground water.
- J. Crosswalks. Pedestrian crosswalks not less than 10 feet in width may be required in blocks longer than 330 feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities. (Adapted from GAAB 21.20.080).

21.70.080 Mobile Home Park Standards — Water and Sewage.

All mobile homes in mobile home parks shall be connected to water and sewage systems approved by the Municipality before they may be occupied. (GAAB 21.20.090).

21.70.090 Mobile Home Park Standards — Additions.

- A. General. Additions or other accessory buildings or structures shall not exceed the width or length of the mobile home to which they may be attached or adjacent. Additions and accessory buildings shall not exceed the height of the mobile home by more than 12 inches. All additions and accessory buildings shall be subject to spacing and setback requirements for mobile homes. Any addition or accessory building constructed after June 14, 1966 shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.
- B. Exits. The number of exterior exits from additions shall be equal to or greater than the

number of exits leading from the mobile home to the addition. All additions exceeding 300 square feet shall be provided with at least two exterior exits. When two exterior exits are required from additions, they shall be placed a distance apart equal to one-fifth of the total perimeter of the addition. (Adapted from CAC 6.60.110 and GAAB 21.20.120).

21.70.100 Mobile Home Park Standards — Refuse.

A mobile home park operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all Municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week. (Adapted from GAAB 21.20.140).

21.70.110 Mobile Home Park Standards — Fuel.

Fuel oil supply tanks shall be placed underground. Liquefied gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home (GAAB 21.20.150).

21.70.120 Mobile Home Park Standards — Campers and Travel Trailers.

Occupied campers and travel trailers are not subject to Sections 21.70.050 and .080 of this chapter. Any permitted spaces intended for occupied campers and travel trailers shall be placed in an area segregated from permanent mobile home spaces. Any area within a mobile home park that is occupied by campers and travel trailers shall be served by a service building containing public toilet facilities and water supply. (GAAB 21.20.130).

21.70.130 Convenience Establishments.

Convenience establishments of a commercial nature, including stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, beauty shops and barbershops may be permitted in mobile home parks subject to the following restrictions: Such establishments and the parking area primarily related to their operations shall not occupy more than 10% of the area of the park, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park, and shall present no visible evidence of their commercial character from any portion of any district outside the park. Such convenience areas shall be considered accessory uses to the principal use of mobile homes, may be

permitted without a zoning change and shall be discontinued if the mobile home park is discontinued. (GAAB 21.20.110).

21.70.140 Construction Standards and Responsibility.

Complete responsibility for standards established by this chapter and for construction within a mobile home park shall rest with the owner of such park. (Adapted from GAAB 21.20.120).

21.70.150 Nonconforming Mobile Home Parks.

- A. All mobile home parks shall be subject to the permit requirement set forth in Section 21.70.030.
- B. Those mobile home parks situated within the boundaries of the former City of Anchorage which existed prior to the date of adoption of this Title are not subject to Sections 21.70.050

and .070 of this chapter, provided that such parks meet the standards set forth in the former City of Anchorage Municipal Code Sections 6.60.010 through .110.

- C. Those mobile home parks situated in any area of the Municipality other than that described in subsection B hereof which existed prior to 1966 are not subject to the requirements of Sections 21.70.050, .070 and .090 within the area and to the extent that it was constructed, operated or maintained prior to that date.
- D. Any mobile home park exempt from certain sections of this chapter as provided in subsections B and C hereof shall conform to all sections of this chapter within any area first constructed, operated or maintained after the specified date or within any area which is substantially altered, remodeled, reconstructed, or rebuilt after that date. (Adapted from GAAB 21.20.170).

SUBDIVISION REGULATIONS — GENERAL PROVISIONS

Sections:

21.75.010	Title.
21.75.015	Purpose.
21.75.020	Scope and Jurisdiction.
21.75.025	Exceptions.
21.75.030	Administration — Application.
21.75.035	Definitions.

21.75.010 Title.

Chapters 21.75 through 21.87 shall be known and cited as "Land Subdivision Regulations for the Municipality of Anchorage." (Adapted from GAAB 21.10.010A).

21.75.015 Purpose.

These subdivision regulations as herein set forth have been prepared to promote and protect the public health, safety and general welfare of the people of the Municipality of Anchorage; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces; to provide for the efficient movement of vehicular and pedestrian traffic; to assure adequate and properly placed utilities; to provide access of fire fighting apparatus; to provide recreation, light and air and the avoidance of congestion of the population; and to facilitate the orderly and efficient layout and use of the land. In addition, these regulations provide for the accurate surveying of land; for equitable processing of all plats by providing uniform procedures and standards for observance by both the approving authority and subdivider(s); and for the proper preparation and recording of plats. (GAAB 21.10.010B).

21.75.020 Scope and Jurisdiction.

A. These subdivision regulations shall not apply to any lot or lots forming a part of a subdivision legally created and filed for record prior to the effective date of these regulations, except in the instance of further subdivision or resubdivision of existing lots or tracts. Subdivisions given preliminary or final approval by the Platting Authority under regulations existing prior to December 26, 1972, shall comply only with the regulations existing at the time of such approval and with Chapter 21.85 (Improvements) and Chapter 21.87 (Subdivision Agreements) of this Title. Where these regulations impose a greater re-

striction upon land than is imposed or required by existing provisions of other laws, ordinances or regulations, or with private restrictions, placed upon property by deed, restrictive covenants, or other private agreements running with the land, the provisions of these regulations shall prevail. These regulations shall govern all subdivisions or resubdivisions which result in the partitioning, dividing, combining or altering of any lot, parcel or tract of land legally created and filed for record for the purpose, whether immediate or future, of sale, or lease for more than five years.

B. No agency of the State or Municipality may acquire property through the process of eminent domain which results in a boundary change unless the agency or Municipality first obtains from the Platting Authority preliminary approval of the replat showing clearly the location of the proposed public streets, easements, right-of-way, and other taking of private property. Final approval of the replat shall be obtained within six months of the acquisition.

The State, its agencies and instrumentalities shall be governed by these regulations in its disposition of real property in the same manner as private land owners. (Adapted from GAAB 21.10.010D, E, .070 and AS 9.55.275, am AO 78-50).

21.75.025 Exceptions.

A. At the discretion of the Platting Authority, subdivisions resulting in parcels of at least 40 or more acres in area requiring neither the dedication of streets, easements nor creating physically or legally landlocked areas may be exempted from a land survey and from the requirements of Chapter 21.80 (Standards) and Chapter 21.85 (Improvements). There shall be no exemption from the requirement to submit and record a plat.

B. At the discretion of the Platting Authority, the provisions of Chapter 21.80 and 21.85 may be waived provided that a public hearing is held and the Platting Authority finds that:

1. each tract or parcel of land will have adequate physical and legal public access to a public highway or street; and
2. each resulting parcel created is five acres in size or larger and that the land is divided into four or fewer parcels; and
3. the subdivision is not made for the purpose of, or in connection with, a present or projected subdivision development; and
4. no dedication of a street, alley, thoroughfare or other public area is involved or required.

Such waivers shall be in the form of a resolution by the Platting Authority to be filed with the District Recorder. (Adapted from GAAB 21.10.010E).

21.75.030 Administration — Application.

Application procedures for subdivision plats, vacations and variances are set forth in Chapter 21.15 of this Title. (new).

21.75.035 Definitions.

A. Rules applying to the text. For the purpose of Chapters 21.75 through 21.87 and Sections 21.15.100 — .135, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary;
2. The term "shall" is always mandatory and not discretionary; the word "may" is permissive;
3. Any word or term not interpreted or defined by this section shall be used with a meaning of common or standard utilization.

B. Definitions. The following definitions shall apply in the interpretation and enforcement of these regulations, unless otherwise specifically stated:

1. "Addition" means a parcel of land which is platted adjacent to an existing subdivision and which has the same name.
2. "Aliquot part" means the division of a surveyed section of land, without reference to bearing or distance, into square or recti-

linear parcels, the area of each parcel comprising a fractional portion of the total area of the section and of the parcel from which it is being divided.

3. "As-built plans" means revised construction plans in accordance with all approved field changes reflecting the improvements on site as they actually exist.
4. "Bed of a stream" means that portion of a stream utilized for water flow during non-flood periods, normally extending from the thalweg (low point) to each bank.
5. "Block" means an area of land within a subdivision that is entirely bounded by rights-of-way, physical barriers, and exterior boundaries of the subdivision, excepting alleys.
6. "Block length" means the distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line to right-of-way line of the two intersecting streets.
7. "Certificate to plat" means a certificate prepared by a title company authorized by the laws of the State of Alaska to write the same, showing the names of all persons having any record title interest in the land to be platted together with the nature of their respective interests therein.
8. "Commercial development" means a planned commercial center designed specifically for commercial use.
9. "Commercial Tract" means an existing lawfully subdivided single lot or tract designated by the Platting Board under 21.15.134 of this title as a commercial tract which may be further divided into fragment lots.
10. "Commercial tract site plan" means a map of the commercial tract depicting building footprints, parking areas, landscaping, driveways access points to the property, site drainage, and any fragment lots to be contained within the commercial tract.
11. "Comprehensive Plan" means a document of text, charts, graphics or maps, or any combination, designed to portray general, long-range proposals for the arrangement of land uses which is intended primarily to guide government policy toward achieving orderly and coordinated development of the entire community.
12. "Construction" includes design, engineer-

- ing, contract administration and work, labor and materials furnished for a public improvement.
13. "Dedication" means the devotion of land to a public use by the owner manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in AS 34.15.030. The dedication of streets, alleys, sidewalks or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way including utility rights-of-way shall be deemed to create an easement in gross to perform the indicated function in the area depicted.
 14. "Easement" means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.
 15. "Engineer" means a registered professional civil engineer authorized to practice engineering in the State of Alaska.
 16. "Final acceptance" means acceptance by the Municipality, at the completion of construction, of a public improvement constructed under terms of a subdivision agreement.
 17. "Floodplain" means that area of land adjoining the channel of a river, stream or other similar body of water which may be inundated by a flood that can reasonably be expected to occur. The floodplain as referred to in this chapter shall include all the land within the limits of the 100-year flood and the floodway within it if such floodway is delineated. The floodplain area is defined by the Municipal Floodplain Regulations.
 18. "Fragment lot" means a division of a commercial tract for purposes of facilitating construction or financing of a commercial development requiring multiple phases of construction. The term fragment lot does not include properties outside of the boundaries of an approved commercial tract. Fragment lots may be described in metes and bounds descriptions.
 19. "Greenbelts or buffer parks" means a strip or parcel of land, privately restricted or publicly dedicated as open space for the purpose of protecting and enhancing the environment.
 20. "Grid" means the 100-scale grid designation as established by the Municipality.
 21. "Hillside lot" means a lot of which 60% of the platted area exceeds 15% slope.
 22. "Improvements" mean any construction incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts bridges, utilities, waterways, lakes, bays and other appropriate items with an appurtenant construction.
 23. "Industrial development" means a planned industrial area designed specifically for industrial use.
 24. "Legal access" means access to a publicly dedicated street or road which is connected to and a part of the legally dedicated improved transportation network of the Municipality.
 25. "Lot" means a measured portion of a parcel or tract of land which is described and fixed on a plat filed for record:
 - a. "Corner lot" means a lot located at the intersection of two or more streets where the angle of intersection of the lot lines abutting those streets does not exceed 135 degrees;
 - b. "Lot frontage" means all property abutting the right-of-way of a dedicated street, private street or road easement, measured along the right-of-way between side lot lines of a lot. In no case shall the line along an alley be considered as lot frontage;
 - c. "Through lot — double frontage lot" means a lot other than a corner lot with frontage on more than one street;
 - d. "Lot depth" means the distance between straight lines connecting side lot lines, measured between the mid-point of such lines, except that such measurement shall not extend outside the lot lines of the lot being measured;
 - e. "Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines, except that such measurement shall not extend outside the lot lines of the lot being measured.

26. "Lot line" means the fixed boundaries of a lot described by survey located on a plat filed for record:
- a. "Front lot line" means that boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or road easement, which abuts that line. In the case of a corner lot, either line which meets the above description provided the other is considered to be a side lot line;
 - b. "Rear lot line" means that boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot, a line 20 feet in length within the lot parallel to and at the maximum distance from the front lot line;
 - c. "Side lot line" means that boundary of a lot which is neither a front or rear lot line.
27. "Monument" means a permanent survey control point.
28. "Municipality" means the unified Municipality of Anchorage as established by Charter ratified on September 15, 1975.
29. "Official Streets and Highways Plan" is a map and attendant document depicting the proposed system of freeway, arterial and collector streets in the Municipality as adopted by the Planning Commission and by the Assembly, and which is on file in the Department of Community Planning office, together with all amendments thereto subsequently adopted.
30. "Parcel" means an unsubdivided plot of land.
31. "Planned Unit Development (PUD)" means a group or combination of certain specified residential, commercial or industrial uses to be developed as a functional unit, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space.
32. "Planning Commission" means the Municipality of Anchorage Planning Commission.
33. "Plat" means a map or chart of a surveyed subdivision of land.
- a. "Sketch plan" means an informal plan or sketch drawn to scale and in pencil, if desired, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision;
 - b. "Preliminary plat" means a map showing the salient features of a proposed subdivision of land submitted to the Platting Authority for purposes or preliminary consideration and approval;
 - c. "Final plat" means a map of a subdivision of land made up in final form ready for approval and filing.
34. "Platting Authority" means the Municipality of Anchorage Platting Board or any other Board so designated by the Assembly.
35. "Platting Officer" means a member of the Department of Community Planning staff who has been assigned primary responsibilities for reviewing plat and making recommendations to the Platting Authority, and who has been so designated by the Director of Community Planning.
36. "Public open space" means land dedicated or reserved for the use by the general public, including, but not limited to, parks, parkways, recreation areas, and school sites.
37. "Public utility" means all persons, firms, corporations, or Municipal or public authorities which are certified as public utilities by the State of Alaska and which provide gas, electricity, water, telephone, telegraph, storm sewers, sanitary sewers or other services of a similar nature.
38. "Regulations" mean the Land Subdivision Regulations for the subdividing and platting of land in the Municipality of Anchorage, Chapters 21.75 to 21.85 of this code.
39. "Resubdivision" means the redelineation of an existing lot, block, or tract of a previously recorded subdivision involving the change or property lines and/or, after vacation, the altering of dedicated streets, easements or public areas.
- a. "Reversion to acreage" means the elimination of interior property lines of a previously recorded subdivision or portion thereof, and the combining of two or more lots or tracts into one lot or tract, sometimes involving the vacation of streets and/or easements;
 - b. "Combination" means the elimination of interior lot lines not involving the vacation of dedicated streets, easements or public areas.

40. "Right-of-way" means land reserved, used, or to be used for a street, alley, walkway, or other public purpose.
41. "Salvageable improvements" as used in Section 21.87.025E, describe those portions of street improvements constructed within a dedicated right-of-way which are usable as a part of the finally constructed street. Salvageable improvements include such items of work as clearing and grubbing, removal of unsuitable material and placement of classified backfill, but do not include temporary surfacing and other work which would not be usable or beneficial to final street construction. This definition applies only to those streets which are not, during their initial construction, improved to the final paved standard of the Municipality.
42. "Sidewalk" means an improved right-of-way for pedestrian circulation that is part of the street right-of-way.
43. "Street" means a right-of-way which provides for vehicular and pedestrian access to abutting properties:
- a. "Alley" means a public right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land;
 - b. "Collector street" means a street designed to move traffic from local streets to minor and major arterials;
 - c. "Cul-de-sac street" means a local street of short length having only one outlet with provision for a turnaround at its termination, and which is not intended to be extended or continued to serve future subdivisions or adjacent land;
 - d. "Local street" means a street designed to provide direct access to individual abutting properties;
 - e. "Major arterial" means a street designed to move through traffic at moderate speeds and high volumes to and from major traffic generators, or into or out of the community;
 - f. "Marginal access street" means a frontage road which separates properties from heavily traveled through streets and eliminates the need for unlimited access to through streets;
 - g. "Minor arterial" means a street designed to move through traffic at moderate speeds and volumes to and from major arterials;
 - h. "Mountain road" means a road used for frontage or access in areas where the average ground slope, as measured along the centerline, exceeds 10%;
 - i. "Street width" means the shortest distance between the lines delineating the right-of-way of streets;
 - j. "Stub street" means a dead-end local street which provides for eventual extension of the street onto unplatted land.
44. "Subdivider, owner, proprietor, or developer" means a person, firm, association, partnership, corporation, governmental unit, or combination of any of these which may hold any recorded or equitable ownership interest in land being subdivided. There term shall also include all heirs, assigns or successors in interest, or representatives of the subdivider, owner, proprietor or developer.
45. "Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, including any subdivision, and when appropriate to the context, the process of subdividing or the land subdivided.
46. "Submission date with Platting Authority" means that date when the Department of Community Planning accepts a fee for the submission of a plat.
47. "Surveyor" means a land surveyor who is registered in the State of Alaska.
48. "Tax parcel" means an area of land shown as a unit or as continuous units on the current Municipal real property tax roll.
49. "Thread of a stream" means a line following the thalweg (low point) of a stream.
50. "Topographic map" means a map showing the land form by the use of contour lines.
51. "Tract" means an area of land which has been defined, but has not been designated by lot and block numbers.
52. "Traffic control device" includes all physical, mechanical and electrical equipment which directs, channelizes, commands or controls traffic movement. These devices include but are not limited to signs, channelization, signals and striping.

53. "Vacation" means the act of making legally void any right-of-way, easement, public area, or other public interest.

54. "Walkway" means a right-of-way, dedicated to public use, which crosses within a block

to facilitate pedestrian access to adjacent streets and properties.

55. "Warranty period" means a one-year period of time commencing with final acceptance of the public improvement last completed. (Adapted from GAAB 21.10.020, am AO 78-50).

SUBDIVISION REGULATIONS — STANDARDS

Sections:

- 21.80.010 Standards — General.
- 21.80.015 Streets — Dedication to Public.
- 21.80.020 Streets — Conformance to Official Plans.
- 21.80.025 Streets — Relation to Topography.
- 21.80.030 Streets — Alignment.
- 21.80.035 Streets — Gradients.
- 21.80.040 Streets — Intersections.
- 21.80.045 Streets — Cul-de-sacs.
- 21.80.050 Streets — Half Streets.
- 21.80.055 Streets — Frontage.
- 21.80.060 Streets — Alleys.
- 21.80.065 Streets — Names.
- 21.80.066 Streets — Addresses
- 21.80.070 Pedestrian Walkways.
- 21.80.075 Easements.
- 21.80.080 Blocks — Arrangement.
- 21.80.085 Blocks — Length.
- 21.80.090 Blocks — Design.
- 21.80.095 Lots — Width, Depth and Area.
- 21.80.098 Lots — Common Wall Lots.
- 21.80.100 Lots — Width Related to Length.
- 21.80.105 Lots — Lot Lines.
- 21.80.110 Lots — Adjacent to Nonresidential Features.
- 21.80.115 Lots — Frontage.
- 21.80.120 Lots — Environmental Design.
- 21.80.125 Screening and Reserve Strips.
- 21.80.130 Public Lands — Provisions For.
- 21.80.135 Public Lands — Designation as Reserve Tract.
- 21.80.140 Public Lands — Special Features.
- 21.80.145 Public Lands — Time for Acquisition.
- 21.80.150 Slope Standards — Requirements.
- 21.80.155 Slope Standards — Lot Slope Policy.
- 21.80.160 Slope Standards — Slope Maintenance and Construction Easement.
- 21.80.165 Slope Standards — Grades.
- 21.80.170 Slope Standards — Right-of-way Widths.
- 21.80.175 Slope Standards — Utility Easements.
- 21.80.180 Unsuitable Sites.
- 21.80.185 Flood Plain Construction.
- 21.80.190 Turnagain Arm Area.

21.80.010 Standards — General.

All standards listed in the following pages are minimum or maximum standards. More specific standards are found in the Official Streets and Highways Plan and in the Standard Specifications of the Department of Public Works. All standards and specifications that are referred to in this chapter and which fall under the jurisdiction of the Assembly must be ratified by the Assembly by resolution. (GAAB 21.10.040A).

21.80.015 Streets — Dedication to Public.

All streets shall be dedicated to the public. In the case of arterial or collector streets, the subdivider shall only be required to dedicate an amount equal to 70 feet of the proposed right-of-way width if the entire street is within the proposed subdivision, or one-half of the 70-foot right-of-way width if the street is on the exterior boundaries of the subdivision. (GAAB 21.10.040A).

21.80.020 Streets — Conformance to Official Plans.

Subdivision streets shall be required to conform to the Official Streets and Highways Plan, and the Official Street and Highway Landscape Plan as provided in AMC 24.15 except that street dedications need not exceed that required by this chapter. In areas where streets are paved to the width specified in the Official Streets and Highways Plan, the Platting Authority may require additional rights-of-way. (Adapted from GAAB 21.10.040A).

21.80.025 Streets — Relation to Topography.

Streets shall be arranged in proper relation to topography so as to result in usable lots, safe streets and reasonable gradients and minimum damage to terrain and existing vegetation. (Adapted from GAAB 21.10.040A).

21.80.030 Streets — Alignment.

Arterial and collector streets shall be aligned to provide for the continuation of existing streets from adjoining areas into the proposed subdivision. Stub streets, including temporary turnaround areas, shall be provided to the boundary line of the tract to make provisions for future street projections into adjacent unsubdivided areas. In areas where extreme wind conditions exist, one of the factors of consideration in alignment streets shall be that of minimizing the potential wind damage. Local streets shall be arranged to discourage their use by through traffic. (GAAB 21.10.040A).

21.80.035 Streets — Gradients.

The maximum permitted street grade shall be 10% except that cul-de-sac turnaround areas shall not exceed 5%. If the subdivision is a hillside or slope development, the standards established in Sections 21.80.150 — .175 shall apply. (GAAB 21.10.040A).

21.80.040 Streets — Intersections.

Streets shall intersect at 90 degrees or closely thereto and in no case less than 75 degrees. The distance between intersection centerlines shall not be less than 150 feet. Corner roundings will be required at the right-of-way intersection as determined by the Department of Public Works. (Adapted from GAAB 21.10.040A).

21.80.045 Streets — Cul-de-sacs.

Cul-de-sac streets shall not be more than 600 feet in length and shall terminate with a turnaround, the minimum radius of which shall be 50 feet. The return radius shall also be 50 feet. (Adapted from GAAB 21.10.040A).

21.80.050 Streets — Half Streets.

Half streets shall be allowed only where the future dedication of the remaining half of the street can be anticipated. Whenever a tract to be subdivided borders an existing half street, the other part of the half street shall be dedicated within such tract unless such dedication is deemed unnecessary or undesirable by the Platting Authority. (GAAB 21.10.040A).

21.80.055 Streets — Frontage.

Where a subdivision abuts or contains an arterial street, the Platting Authority may require a frontage street for the adequate protection of adjoining properties and to afford separation of through and local traffic. (GAAB 21.10.040A).

21.80.060 Streets — Alleys.

Alleys may be required in proposed multiple dwellings; industrial, commercial or residential subdivisions for service access, off-street loading and parking purposes. Dead-end alleys shall be prohibited. The minimum width of an alley shall be 20 feet. (GAAB 21.10.040A).

21.80.065 Streets — Names.

- A. The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with; the spelling or the pronunciation of any existing street name in the Municipality. The subdivider's selection of street names shall be subject to review by the Platting Officer, who may reject any proposed street name that does not conform to this section or to any regulations promulgated pursuant to this section. The Municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision.
- B. Pursuant to Chapter 3.40 of this code, the Director of Community Planning may promulgate regulations establishing a uniform street designation terminology. All street names shall conform to the terminology so established.

21.80.066 Streets-Addresses

- A. The municipal Director of Community Planning or his designee shall assign all official street address numbers within the Municipality. Permanent property addresses shall be assigned only after a plat, showing dedicated right-of-way, has been recorded for that property in the manner provided by law.

B. Pursuant to Chapter 3.40 of this code, the municipal Director of Community Planning may promulgate administrative regulations establishing uniform street address numbering technology and procedures. Regulations adopted shall require all street addresses to conform to approved numbering technology and procedures unless unusual or exceptional circumstances warrant utilization of alternate technology or procedures. (AO 81-176).

21.80.070 Pedestrian Walkways.

Rights-of-way for pedestrian walkways shall be required where necessary to obtain convenient pedestrian circulation or to prevent the exposure of pedestrians to hazardous traffic conditions. The right-of-way shall be at least 10 feet wide. (Adapted from GAAB 21.10.040B).

21.80.075 Easements.

- A. Location. Easements shall be provided along rear lot lines and also along side lot lines when necessary for utilities. The minimum width shall be 10 feet along the rear lot line or 20 feet for adjoining lots and a minimum of five feet along the side lot line, or a total of 10 feet for adjoining lots. The need for easements must be definitely substantiated by utility companies before being required by the Platting Authority. Utilities shall be in public rights-of-way whenever possible.
- B. Drainageway. Where a subdivision is traversed by or adjacent to a river, stream, creek, important surface watercourse, or drainage course, dedicated stream maintenance easements shall be provided, conforming substantially with the line of such stream, and in such width as it is necessary for the purposes of providing access for the purpose of widening, deepening, sloping, improving, maintaining, and protecting the stream. All easements along a river, stream or creek shall be a minimum of 25 feet wide along each bank as measured from the outside edge of the bed of the stream. In the case of water or drainage courses less than five feet wide at ordinary high water, such easements shall be a minimum of 25 feet in width, centered on the thread of the stream. (Adapted from GAAB 21.10.040C).

21.80.080 Blocks — Arrangement.

Blocks shall be designed to provide two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary. (GAAB 21.10.040D).

21.80.085 Blocks — Length.

Residential blocks should generally not be less than 300 feet wide nor more than 1,320 feet long. (GAAB 21.10.040D).

21.80.090 Blocks — Design.

Blocks shall be designed to minimize the effect of development on the environment. Environmental factors may be considered as justification by the Platting Authority for variation from any of the standards in Section 21.80.080 and .085 above. (GAAB 21.10.040D).

21.80.095 Lots — Width, Depth and Area.

Lot width, depth and area shall conform to the requirements of the Zoning Ordinance, provided, however, that the following minimum lot dimensions shall apply in all cases except for those subdivisions or portions of subdivisions which are part of or result from a zoning Conditional Use or Planned Unit Development or as covered in Sections 21.80.150—.175.

- A. Lot width (corner lots) — 50 feet, except that corner common wall lots shall have minimum width of 40 feet.
- B. Lot depth — 100 feet. (Adapted from GAAB 21.10.040E).

21.80.098 Lots — Common Wall Lots.

- A. A lot allowed for use only as a common wall lot shall be designated on the plat as a common wall lot in conjunction with one adjoining lot. Each pair of designated common wall lots may be considered as a single lot for the lot width requirements of the subdivision regulations, except as otherwise noted.
- B. No plat shall be approved which contains any designated common wall lot not paired with a second designated lot. Any development of designated common wall lots shall include at least all lots fronting a street between two intersecting streets or contiguous frontage on the street of at least 300 feet. No designated common wall lot may be resubdivided except in conjunction with its paired lot.

21.80.100 Lots — Width Related to Length.

The depth of a lot shall not exceed three times the width as measured at the front building line except

by variance or unless specifically otherwise provided for in the Zoning Ordinance. (Adapted from GAAB 21.10.040E).

21.80.105 Lots — Lot Lines.

Side lot lines shall attempt to be essentially at right angles to straight streets and radial to curved streets. (GAAB 21.10.040E).

21.80.110 Lots — Adjacent to Nonresidential Features.

Residential lots shall not front onto such features as limited access highways, arterial streets or face such uses as shopping centers or industrial properties. (GAAB 21.10.040E).

21.80.115 Lots — Frontage.

All lots shall front a publicly dedicated street except in those cases where the subdivision is part of a Planned Unit Development. (GAAB 21.10.040E).

21.80.120 Lots — Environmental Design.

Lots shall be designed to minimize the effect of development on the environment. Environmental factors may be considered as justification for variation from any of the standards of the subdivision regulations. Subdivision design in the R-10 (Residential Alpine/Slope) District shall take into consideration known areas susceptible to land slide, mud and earth flow, talus development, soil creep, solifluction or rock glaciation, avalanche chutes, run-outs or wind blast. Each lot or tract zoned R-10 shall include a building site which is not within such a known susceptible area. The specific factors set forth in Section 21.40.115 of this Title shall be taken into consideration in any development in the R-10 District. (GAAB 21.10.040E, am AO 81-97).

21.80.125 Screening and Reserve Strips.

A. Screening strip. Planted strips may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses to screen the view from or provide a noise or glare buffer for residential properties. Such screens shall be a minimum of 10 feet wide, and may be dedicated as additional roadway right-of-way or as an easement on the lots. Such strips shall be planted prior to approval of final plat or shall be included in the subdivision agreement. Maintenance of easements shall be the responsibility of the owners of lots containing the screen.

B. Reserve strips. On privately held reserve strips, controlling access to streets shall be prohibited. (GAAB 21.10.040F, am AO 78-50).

21.80.130 Public Lands — Provisions For.

Provisions shall be made for the allocation of lands for schools, parks, playgrounds, trails, open space areas and wetlands designated "preservation" where an officially adopted park, trail, wetland, or school plan exists, and where the said plan depicts the approximate desired location and size of specific school site, park, trail, open space or wetland. (GAAB 21.10.040G, am AO 78-50, AO 82-335).

21.80.135 Public Lands — Designation as Reserve Tract.

If a proposed plat encompasses an area designated in an officially adopted parks or school plan as a school, park, playground or open space, the Platting Authority may and if a proposed plat encompasses a wetland designated for preservation in the Anchorage Wetlands Management Plan, the platting authority shall require that such land be designated as a reserve tract in the proposed plat. A report from the Department of Community Planning staff containing a letter from the Municipal Department responsible for the implementation of the specific plan mentioned in Section 21.80.130 shall be required to aid the Platting Authority in reaching its decision, such letter indicating an intent to attempt to purchase the land within the 15-month period established in Section 21.80.145. Trails designated on adopted plans shall be dedicated as trail easements. The alignment, width and scope of use of such trail easements may be modified from that depicted in the plan as necessary to integrate trail and subdivision design. (GAAB 21.10.040G, am AO 78-50).

21.80.140 Public Lands — Special Features.

Special, natural or man-made features of historical significance in a proposed subdivision which enhance or have unique value to the community may be set aside in a reserve tract for acquisition or voluntarily dedicated to the public. (GAAB 21.10.040G).

21.80.145 Public Lands — Time for Acquisition.

If a parcel of land is designated as a reserved tract for schools, parks, playgrounds, open spaces or preservation areas, as outlined in Section 21.80.135, or as a special feature as described in Section 21.80.140, the Municipality or any other agency, either public or private, shall have 15 months from the time the plat is filed in which to purchase or otherwise acquire the land for the purpose of providing public schools, public parks or playgrounds, public open space, or for preserving the land as a

special feature or as wetland preservation area. In negotiating for the acquisition of the land during the 15-month period, the agency shall exercise all normal acquisition procedures with the property owner, including taking of an option to purchase. In consideration of the reservation the Municipality shall pay an amount equal to the taxes accumulated on the property for the period of reservation. If such land is not acquired within 15 months, the land shall be released from the reserved tract designation unless it is extended by other provision of law. (GAAB 21.10.040G, AO 82-335).

21.80.150 Slope Standards — Requirements.

Development of a parcel for hillside or alpine lots or tracts shall comply with the special requirements of this section and sections 21.80.155 - .175 of this Title, in addition to all subdivision requirements. The subdivider shall demonstrate to the satisfaction of the platting authority that the design is specifically adapted to the proposed development and that the design takes into account other development in the vicinity and other features unique to the specific parcel of land proposed for subdivision. Where the parcel is zoned R-10 (Residential Alpine/Slope), the platting authority shall specifically consider those factors set forth in Section 21.40.115(A) of this Title. (GAAB 21.10.040H am AO 78-50, 81-97).

21.80.155 Slope Standards — Lot Slope Policy.

Through the use of lot slope policy, each lot is sized according to its terrain. The following Slope Chart shall be used as a guide to determine minimum lot size and frontage, if the minimum is greater than the requirements of the zoning regulations. Larger dimensions may be required if reasonably necessary to meet the purpose and intent of the provisions of this Title. (GAAB 21.10.040H am AO 81-97).

21.80.160 Slope Standards — Slope Maintenance and Construction Easement.

Easements to permit the construction and maintenance of the slope shall be provided for all cuts and fills in accordance with the appropriate specifications. (GAAB 21.10.040H).

21.80.165 Slope Standards — Grades.

Grades for residential streets may be permissible at

15%. Any street grade in excess of 10% shall be permitted only for a straight stretch, generally not exceeding 100 feet in length. (GAAB 21.10.040H).

21.80.170 Slope Standards — Right-of-Way Widths.

Right-of-way widths may be reduced or increased from normal standards where justified by topographic or slope development conditions. The amount of reduction or increase shall be approved by the Platting Authority on a case-by-case basis, such approval supported by recommendations from the Department of Public Works and Platting Officer. (GAAB 21.10.040H, am AO 78-50).

21.80.175 Slope Standards — Utility Easements.

Utility easements along rear lot lines in slope developments may require additional width. (GAAB 21.10.040H, am AO 78-50).

21.80.180 Unsuitable Sites.

In cases where existing lots, tracts or parcels are of a shape, size or condition which renders subdivision of the property in conflict with the purpose of these standards as set forth in Section 21.75.015, the Platting Authority may reject a subdivision application in its entirety. (AO 78-50).

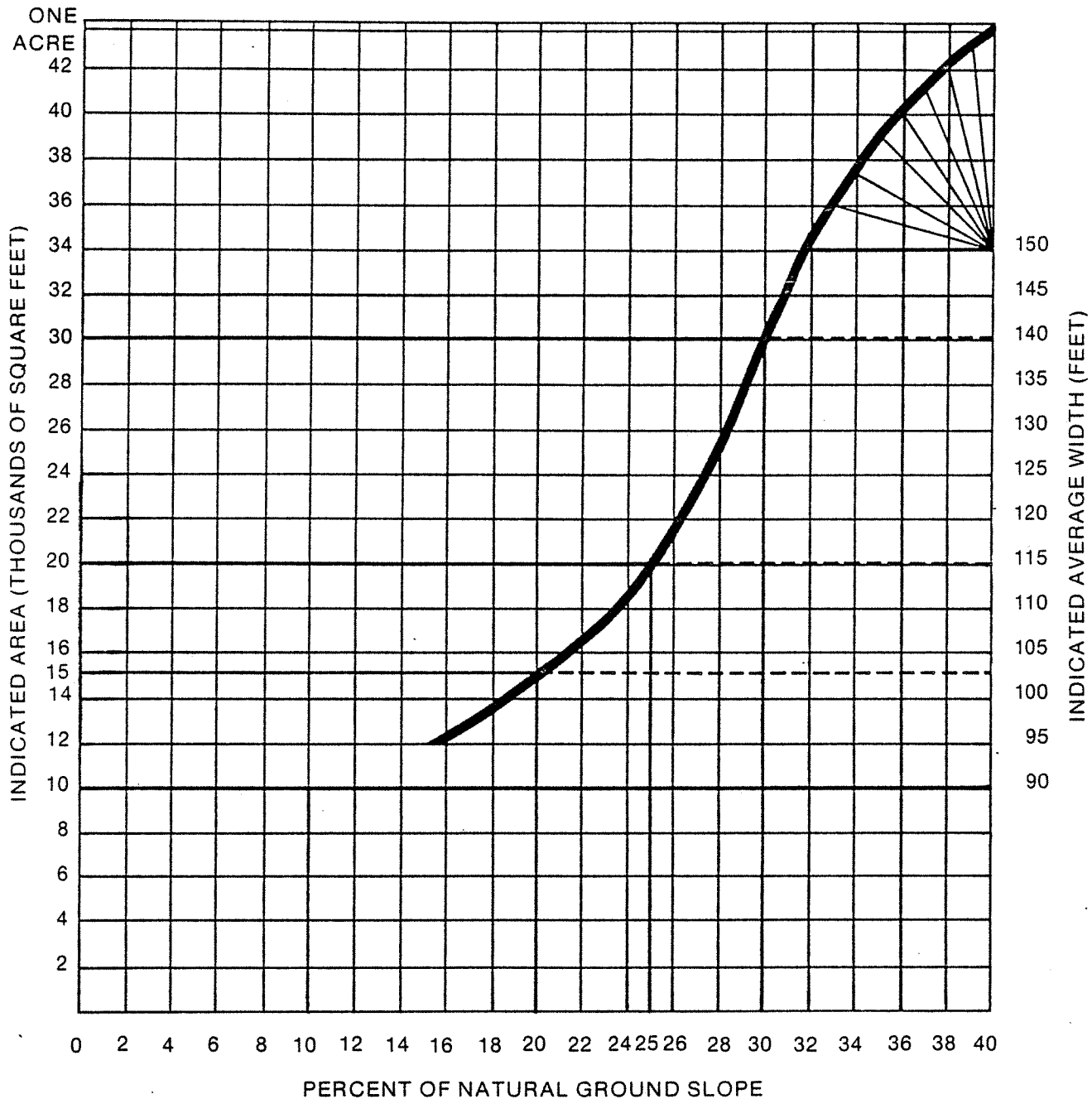
21.80.185 Floodplain Construction.

Where all or a portion of any subdivision is situated within the Flood Hazard District as defined in Section 21.60.040, any construction within the district shall be subject to Section 21.15.020(F) and Chapter 21.60 in addition to the conditions of this chapter. (AO 79-169).

21.80.190 Turnagain Arm Area.

In the U. zone within the Turnagain arm area, the adopted Turnagain Arm Land Use Plan shall serve as a guide to permitted land uses. The Platting authority may require such conditions as may be appropriate to carry out the intent of the plan. (AO 79-208).

SLOPE CHART



Example: For a lot whose natural ground slope is 25%, the indicated area is 20,000 square feet and the indicated average width is 115 feet.

SUBDIVISION REGULATIONS — IMPROVEMENTS

Sections:

21.85.010	Subdivision Improvements — Purpose.
21.85.015	Subdivision Improvements — Responsibility for Plans.
21.85.020	Required Public Improvements.
21.85.025	Monuments.
21.85.030	Streets.
21.85.035	Curbs and Gutters.
21.85.040	Installation of Public Utilities.
21.85.045	Telephone and Electric Lines.
21.85.050	Drainage.
21.85.055	Water Supply System.
21.85.060	Sanitary Sewer System.
21.85.065	Traffic Control Devices.
21.85.070	Walkways.
21.85.075	Sidewalks.
21.85.080	Street Lighting.
21.85.085	Erosion and Sedimentation Plan.
21.85.090	Guarantee of Completion of Public Improvements.
21.85.100	Where Improvements are Required.
21.85.110	Variances Authorized.

21.85.010 Subdivision Improvements — Purpose.

The purpose of this chapter is to establish and define the improvements which will be required under subdivision agreement to be constructed by the subdivider as conditions for final plat approval, to delineate those areas within the Municipality which will require a specific degree of improvement to be accomplished, and to outline the procedures and responsibilities of the subdivider and the appropriate public officials and agencies concerned with the administering, planning, designing, constructing and financing of public facilities, and to further establish procedures for assuring compliance with these requirements. (GAAB 21.10.050A).

21.85.015 Subdivision Improvements — Responsibility for Plans.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, when deemed necessary by the Public Works Department. They shall include profiles, cross-sections, specifications and other supporting data for the hereinafter required public streets, utilities, and other facilities. (GAAB 21.10.050B).

21.85.020 Required Public Improvements.

Every subdivider shall be responsible for the installation of improvements in accordance with the conditions and specifications outlined in Sections 21.85.025 — .085 and as specified in Section 21.85.095. All standards and specifications that are referred to in this chapter and which fall under the jurisdiction of the Assembly must be ratified by the Assembly by resolution. (GAAB 21.10.050C).

21.85.025 Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. In accordance with Title 3 of this Code, the Department of Public Works may promulgate regulations to further define the requirements for survey mounumentation. (GAAB 21.10.050C, am AO 78-50).

21.85.030 Streets.

The subdivider shall construct dedicated streets within the subdivided property. In those portions of the Municipality defined as urban or suburban

areas, paved streets shall be required unless waived in accordance with Section 21.85.110. In addition, the Platting Authority may require the subdivider to construct or partially construct periphery or access streets when such streets are necessary to serve the subdivision or are otherwise made necessary by the subdivision. All internal subdivision streets shall be constructed in accordance with the standards and specifications adopted by the Municipality. All required periphery and access streets shall be constructed or improved in accordance with the Department of Public Works policy for such streets. Such public works policy shall be determined and adopted by the Platting Authority after public hearing. (Adapted from GAAB 21.10.050C, am AO 78-50).

21.85.035 Curbs and Gutters.

Curbs and gutters, when required, shall be constructed in accordance with the standards and specifications adopted by the Municipality or the Alaska Department of Highways, depending on where the land proposed for subdivision is located. (GAAB 21.10.050C).

21.85.040 Installation of Public Utilities.

Public utilities shall be located in accordance with standards adopted by the Department of Public Works, and other applicable utility companies, depending on where the land proposed for subdivision is located. (GAAB 21.10.050C).

21.85.045 Telephone and Electric Lines.

All new telephone and electric lines shall be installed underground, in accordance with specifications of the appropriate utility companies and the Municipality. (Adapted from GAAB 21.20.050C).

21.85.050 Drainage.

An adequate drainage system, which may include necessary storm drainage facilities, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. This system shall take into consideration the preservation of designated high quality wetlands critical to the water table levels and wildlife habitat. The requirements for each particular subdivision shall be established by the Department of Public Works and by the Department of Health and Environmental Protection. (GAAB 21.10.050C).

21.85.055 Water Supply System.

When a proposed subdivision is to be serviced by a

public water system, such system shall be provided by the subdivider to standards established by the State of Alaska Department of Environmental Conservation. Fire hydrants shall be provided to standards established by the American Waterworks Association. If there is no existing or accessible public water supply system, the subdivider may be required to install a water supply system for the common use of the lots within the subdivision. If a public water system or a system covering a group of lots is unfeasible or undesirable, individual wells may be permitted in accordance with the requirements of the Department of Health and Environmental Protection, such individual wells not to be required to the developer. (GAAB 21.10.050C).

21.85.060 Sanitary Sewer System.

When a proposed subdivision is to be serviced by a public sanitary sewer system, sanitary sewers and other required appurtenances thereon shall be provided by the subdivider. Sewer systems shall comply with the requirements of the Department of Public Works. Connection to the public sanitary sewer system shall be required by the Department of Health and Environmental Protection or by applicable Ordinances. If there is no existing or accessible public sewer system, a sewer system for the common use of the lot owners may be required to be provided by the subdivider. All easements and sewer improvements associated with such a community sewage system shall be dedicated to and accepted by the public for administration, operation and maintenance. No proprietary rights of any type or description shall be retained by the developer or owner of the subdivision. If a subdivision cannot be feasibly connected with an existing public sewer system or if a public sewer system cannot be provided for the subdivision itself, then approved septic tanks and disposal fields may be permitted which shall comply with the requirements of the Department of Health and Environmental Protection and with the State Department of Environmental Conservation regulations. (GAAB 21.10.050C).

21.85.065 Traffic Control Devices.

- A. Signing. Traffic signs shall be installed in accordance with the requirements of the Municipality in subdivisions outside of road maintenance service areas. Street name signs shall be installed in all subdivisions in accordance with the requirements of the Municipality.
- B. Signals. Traffic signals, when required by the Platting Authority, shall be installed in accordance with the requirements of the Municipality. (Adapted from GAAB 21.10.050C, am AO 78-50).

21.85.070 Walkways.

Walkways, when required by the Platting Authority, shall have an all-weather surface at least five feet in width, located generally along the centerline of the rights-of-way, and dedicated as a public pedestrian walkway. (GAAB 21.10.050C).

21.85.075 Sidewalks.

Sidewalks, when required, shall meet the standards of the Department of Public Works. (GAAB 21.10.050C).

21.85.080 Street Lighting.

Street lighting shall be installed in accordance with the requirements of the Municipality. (GAAB 21.10.050C).

21.85.085 Erosion and Sedimentation Plan.

In the event that any developer shall intend to denude or recontour any land proposed to be subdivided, by means of grading, excavation or the removal of or destruction of the natural topsoil, trees, or other vegetative covering thereof, a plan for erosion and sedimentation control shall be submitted to the Department of Public Works for approval prior to any recontouring or denudation being done unless there has been a prior determination by the Platting Authority that such a plan is not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein. These plans shall be reviewed by the Department of Public Works and, if approved, shall be followed as the plans indicate. If the measures required to control erosion and siltation construction are necessary, such construction shall be completed before the final plat is approved unless covered by a subdivision agreement. The following control measures should be used for an effective erosion and sediment control plan:

- A. The smallest practical area of land should be exposed at any one time during development.
- B. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
- C. Sediment basins (debris basins, desilting basins or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.
- D. Provisions should be made to effectively accom-

modate the increased runoff caused by changed soil and surface conditions during and after development.

- E. Ground cover should be replaced as soon as practical in the development.
- F. The development plan should be fitted to the topography and soil conditions so as to create the least erosion potential.
- G. Wherever feasible, natural vegetation should be retained and protected.
- H. All slopes within a subdivision resulting from cut and fill operations shall not exceed a maximum slope of 50% unless a lesser slope is deemed necessary by the Platting Officer due to soil conditions. If slopes of greater than 50% are desired, such slopes will be supported by a retaining structure approved by the Public Works Department. (GAAB 21.10.050C).

21.85.090 Guarantee of Completion of Public Improvements.

Prior to final approval and recording of any subdivision requiring public improvements, other than one requiring monumentation only, the subdivider shall enter into a subdivision agreement with the Municipality. Such subdivision agreement shall be written to cover one or a combination of the following alternatives available to the subdivider:

- A. The subdivider may elect to complete all required improvements and facilities prior to approval and recording of the final plat. If this is done, a subdivision agreement, delineating the construction and inspection requirements of the appropriate governmental agency, shall be entered into prior to commencement of construction.
- B. The subdivider may elect to complete required improvements and facilities after approval and recording of the final plat. In this event, the subdivision agreement accompanying the final plat shall delineate:
 1. the construction and inspection requirements of the appropriate governmental agency;
 2. the time schedule for completion of required improvements and facilities; and
 3. a method of ensuring that such improvements shall be completed to the specifications required and in the time schedule agreed upon. (See Chapter 21.87 for requirements of the subdivision agreement.) (Adapted from GAAB 21.10.050D).

21.85.100 Where Improvements Are Required.

A. Urban area. It will be the policy of the Platting Authority to require in urban areas, as defined in this section, all improvements listed in Sections 21.85.025 — .085 in accordance with the provisions of said sections, provided, however, that the requirements for any of the following improvements and/or improvement standards may be waived by the Department of Public Works unless the Platting Authority specifies otherwise, in those areas where the provision of said improvements or improvement standards would be impractical, undesirable or premature:

Improvements and/or standards that may be waived: street paving; curbs and gutters; traffic control devices; walkways; sidewalks; street lighting.

The urban area is hereby defined as those portions of the Municipality within the following use districts;

- R-1 One-family Residential District
- R-1A One-family Residential District (large lot)
- R-2 Two-family Residential District (up to an eight-plex)
- R-2A Two-family Residential District (large lot)
- R-2D Two-family Residential District
- R-3 Multiple-family Residential District
- R-4 Multiple-family Residential District
- R-5 Rural Residential District
- R-O Residential-office District
- B-1 Local and Neighborhood Business District
- B-2A Central Business District Core.
- B-2B Central Business District Periphery.
- B-2C Central Business District
- B-3 General and Strip Commercial Business District
- B-4 Rural Business District.
- I-1 Light Industrial District.
- I-2 Heavy Industrial District
- D-2 Development Residential District (two-family)
- D-3 Development Residential District (general)
- U Unrestricted (when bordered on three or more sides by any of the above districts)
- PLI Public Lands and Institutions District

(Public improvements shall be determined on a case-by-case basis by the Platting Authority. The Platting Authority shall take into consideration the surrounding land use classifications in determining the public improvements required in the PLI use district.)

Possible additions to the urban area will be considered each year following the adoption of these regulations. Recommendations for re-classifications will be based on subdivision activity, population growth and other criteria deemed appropriate.

B. Suburban area. It will be the policy of the Platting Authority to require in suburban areas, as defined in this section, all improvements listed in Sections 21.85.025 — .085 in accordance with the provisions of said sections, provided, however, that the requirements for any of the following improvements and/or improvement standards may be waived by the Department of Public Works unless the Platting Authority specifies otherwise, in those cases where the provision of said improvements or improvement standards would be impractical, undesirable or premature:

Improvements and/or improvement standards that may be waived: street paving; curbs and gutters; traffic control devices; walkways; sidewalks; street lighting.

The suburban area is hereby defined as those portions of the Municipality within the following use districts:

- R-7 Intermediate Rural Residential
- I-3 Rural Industrial District

Possible additions to the suburban area will be considered each year following the adoption of these regulations. Recommendations for re-classifications will be based on subdivision activity, population growth and any other criteria deemed appropriate.

C. Rural area. It will be the policy of the Platting Authority to require in rural areas, as defined in this section, all improvements listed in Sections 21.85.025 — .085 in accordance with the provisions of said sections, provided, however, that the requirements for any of the following improvements and/or improvement standards may be waived by the Department of Public Works unless the Platting Authority specifies otherwise, in those cases where the provision of said improvements or improvement standards would be impractical, undesirable or premature:

Improvements and/or improvement standards that may be waived: traffic control devices; walkways; sidewalks; street lighting; curbs and gutters.

The rural area is hereby defined as portions of the Municipality within the following use districts:

- R-6 Suburban Residential District
(large lot)
 - R-8 Rural Residential District
(large lot)
 - R-9 Rural Residential
 - W Watershed District
 - U Unrestricted District
- (GAAB 21.10.050E, am AO 78-50).

21.85.110 Variances Authorized.

The Platting Authority may grant a variance from the provisions of these regulations in accordance with the procedures set forth in Chapter 21.15 upon finding that undue hardship may result from strict compliance with specific provisions or that the requirements of these regulations or the application of such provisions is impractical or undesirable in a specific instance. The Platting Authority shall only grant variances that it deems necessary, or which it finds desirable from the standpoint of public interest. In making its findings, as required hereinbelow, the Platting Authority shall take into account the nature of the proposed use of the land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and

the probable effect of the proposed subdivision upon conditions in the vicinity. No variance shall be granted unless the Platting Authority finds the following:

- A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this chapter would clearly be impractical, unreasonable or undesirable to the general public. In such cases, the subdivider shall first state his reasons in writing to the specific provision or requirement involved and submit them to the Platting Authority.
- B. That the granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- C. That such variance will not have the effect of nullifying the intent and purpose of this Title or the Comprehensive Plan.
- D. The Platting Authority shall include its findings and the specific reasons for its action and shall also record its reasons and actions in its minutes. (GAAB 21.10.060A).

SUBDIVISION AGREEMENTS

Sections:

21.87.010	Subdivision Agreement Required.
21.87.015	Assembly Approval Required.
21.87.020	Completion Date.
21.87.025	Cost of Required Public Improvements.
21.87.030	Guarantee of Completion of Public Improvements.
21.87.035	Release of Guarantee.
21.87.037	Warranty.
21.87.040	Warranty — Correction of Deficiencies.
21.87.050	Release of Warranty.
21.87.055	Default.
21.87.060	Enforcement.

21.87.010 Subdivision Agreement Required.

- A. In accordance with Section 21.85.090, the subdivider shall request a subdivision agreement from the Department of Public Works. The application shall include a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities and an engineer's estimate of the cost of each required public improvement. The Municipality may require a showing of the subdivider's financial responsibility.
- B. The subdivision agreement shall include but shall not be limited to the following provisions:
1. the designation of the required public improvements to be constructed;
 2. any performance and payment schedule required by this section;
 3. the allocation of costs between the subdivider and the Municipality for required public improvements;
 4. a provision providing the Municipality with an adequate guarantee for the completion of required public improvements and for warranties of all improvements;
 5. the consent of the subdivider for the ownership of specified public improvements to vest with the Municipality upon final acceptance by the Municipality;
 6. a warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreements;

7. where the subdivision is within the regulatory floodway, the agreement must require the subdivision to submit certification of flood proofing, information of the elevation of the lowest habitable floor and information on the elevation to which the structure is flood proofed, for each building or structure to be constructed as part of the subdivision agreement. (AO 16-76 and new).

21.87.015 Assembly Approval Required.

Approval by the Assembly shall be required to enter into those subdivision agreements where Municipal participation in the cost of the required public improvements is estimated to be \$10,000.00 or more. (AO 16-76).

21.87.020 Completion Date.

The improvements required under the terms of the subdivision agreement shall be fully completed for final acceptance within two years of the date of execution of the agreement unless upon a showing of good cause it is extended by the Department of Public Works for an additional one-year period. Further extensions may be approved only by the Assembly. (AO 16-76).

21.87.025 Cost of Required Public Improvements.

The cost of any public improvement shall be defined to include the cost of design, engineering, contract

administration, inspection, testing and surveillance as well as all work, labor and materials furnished for the construction of the improvement.

The subdivision agreement shall provide for the apportionment of the cost of required public improvements between the Municipality and the subdivider as provided below:

- A. Administrative and recording costs relating to public improvement guarantees. The subdivider shall pay 100% of all costs incurred in supplying and administering any method of public improvement guarantee provided for in Section 21.87.030.
- B. Inspection, surveillance and testing. The subdivider shall pay 100% of all costs relating to any inspection, surveillance and testing by the Municipality, necessary for final acceptance of any required public improvement or during the warranty period. Surveillance shall be performed by the Municipality during the course of construction and up to the point of final acceptance of the completed project. Inspection shall be performed by the Municipality during the warranty period.
- C. Administration of agreement. The subdivider shall pay 100% of all costs of plan review, agreement administration and attendant costs.
- D. Arterial and collector streets. If a street recognized on the Official Streets and Highways Plan as a freeway or arterial street lies within or adjacent to the subdivision (and it lies within an area where the Municipality provided road maintenance), the Municipality shall reimburse the subdivider the costs of the street. If a street recognized on the Official Streets and Highways Plan as a collector street lies within or adjacent to the subdivision, and it lies within an area where the Municipality provides road maintenance, the Municipality shall reimburse the subdivider two-thirds of the reasonable costs of the street. If the freeway, arterial or collector street does not lie within an area where the Municipality provides road maintenance, the subdivider shall pay 100% of the costs.
- E. Other streets. Except as provided in subsection D above, the subdivider shall pay 100% of the cost of streets within the boundaries of the subdivision. The subdivider shall additionally pay 100% of the cost of all peripheral streets and access roads except as provided in subsection D above whose construction may be required by the Platting Authority. The property within subdivisions which is later assessed by the Municipality for final improvements to access and peripheral streets shall receive credit for the

cost of salvageable improvements to those peripheral and access streets. Nonsalvageable improvements will not receive credit. Credit will be provided only when:

1. the Municipality approved the award of the contract which included the work for which the credit is to be issued; and
2. the subdivider provided the Municipality with a sworn notarized statement setting forth the distribution of the costs of salvageable improvements, which he utilized for purposes of establishing lot price, for each lot within his subdivision to which such costs were spread.

The credit will be applied as a reduction of assessment to each applicable lot, except that in no case will the amount of credit given to any lot exceed the amount of assessment to that lot.

- F. Curbs and sidewalks. The subdivider shall pay for curbs and sidewalks in the same manner as those streets to which they are adjacent as provided in subsections D and E above.
- G. Walkways other than sidewalks adjacent to streets. Walkways shall be constructed by the subdivider as required by these regulations and in accordance with the Municipality's design criteria and construction standards. The subdivider shall pay 100% of the cost of all required walkways.
- H. Storm drains, inlets and manholes. The subdivider shall pay 100% of the cost of storm drains, inlets, and manholes necessary to serve the subdivision, provided that within areas where the Municipality provides drainage maintenance, the Municipality shall reimburse the subdivider those costs attributable to oversizing required by the Municipality. In those areas where the Municipality does not maintain drainage facilities, the subdivider shall pay all costs, including those for any required oversizing.
- I. Water improvements. The subdivider shall provide water facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the applicable utility company.
- J. Sanitary sewer improvements. The subdivider shall provide sanitary sewer facilities, including service connections to all lots with cost participation as provided in the current approved tariff of the Municipal Sanitary Sewer Utility.
- K. Electrical and telephone facilities. The subdivider shall provide electrical and telephone facilities with cost participation as provided in the current approved tariffs of the applicable utility companies.

L. Deferred utilities. When paved street or sidewalk improvements are installed prior to electrical and telephone cable placement, the subdivider shall provide any necessary underground conduit at appropriate crossings as directed by the Municipality.

M. Street lighting. The subdivider shall pay 100% of the cost of street lighting apparatus. Street lighting apparatus shall meet Municipal standards for materials and design and be provided with underground power. The location of the street light poles shall be approved by the Municipal Traffic Engineer and shall comply with standards contained in the current volumes of "American Standard Practice for Street and Highway Lighting," published by the Illuminating Engineering Society.

N. Traffic control devices. The subdivider shall pay 100% of the cost of traffic control devices. Traffic control devices shall meet Municipal standards for material and design and the location shall be approved by the Municipal Traffic Engineer. Traffic control devices, except electric-operated traffic signals, shall be installed prior to any structure being occupied in the subdivision. (AO 16-76).

21.87.030 Guarantee of Completion of Public Improvements.

A. Guarantee. To assure the installation of required public improvements which are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified below. The means of guarantee may be changed during the guarantee period through a written modification of the agreement. The amount of guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until final acceptance of the public improvements and the posting of an acceptable security for the warranty period.

B. Cost estimates. The engineer's cost estimate provided for in Chapter 21.15 shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement must be approved by the Municipal Department of Public Works. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvements	Percent for Overrun Allowance
\$0 - \$500,000	20%
\$500,000 - \$1,000,000	15%
\$1,000,000 and over	10%

C. Methods of public improvement guarantee. The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

1. Performance bond. The subdivider may elect to provide a surety bond from a company authorized to do such business in the State of Alaska. The bond shall be in an amount equal to the estimated cost of all required public improvements plus an overrun allowance as provided above. The bond shall be payable to the Municipality in the event that any required public improvements are not finally accepted in accordance with the provisions of this Title and shall be posted by no person other than the subdivider.

2. Deposit in escrow. The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided above either with the Municipality or in escrow with a responsible financial institution authorized to do such business in the State of Alaska. In the case of an escrow account the subdivider shall file with the Municipality an escrow agreement which includes the following terms:

a. Funds of the escrow account shall be held in trust until released by the Municipality and may not be used or pledged by the subdivider as security in any matter during that period other than payment for the improvements. The funds may be used for payment of improvements as made, except that the escrow holder shall withhold from disbursement so much of the funds as is estimated as being necessary to complete the construction and installation of such improvements, plus an overrun allowance as provided above.

b. In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the Municipality for use in the completion of those improvements.

3. Letter of credit. The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in Alaska an irrevocable letter of credit. Such letter shall be filed with the Municipality and shall certify the following:

- a. that the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided above for the completion of all such improvements;
- b. that in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the Municipality immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

4. Deed of trust. The subdivider may elect to guarantee the completion of public improvements by granting the Municipality a deed of trust on the property being subdivided. The deed of trust shall secure the obligation to complete required public improvements by securing a stated amount equal to the estimated cost of all required public improvements plus overrun allowances. No deed of trust shall be accepted unless the unencumbered value of the property equals or exceeds the stated amount of the guarantee. The unencumbered value of the subdivision property shall be deemed to be the Municipal Assessor's estimate of the value of all lots in the subdivision less the amount of outstanding recorded lien obligations.

The subdivider shall not sell or otherwise transfer any lot secured by the deed of trust until the obligation to construct public improvements is satisfied or until a partial release is obtained. A partial release may be granted if, and only if:

- a. in conjunction with sale or transfer of any lot the seller or transferor escrows funds as provided in subsection C.2 above sufficient to cover the pro rata cost of all unaccepted improvements attributable to such lot;
- b. the escrow agreement provides that in the case of failure on the part of the subdivider to complete any improvement within the required time period, the institution shall make all funds in

such account available to the Municipality for use in the completion of those improvements.

The minimum amount to be escrowed shall be calculated by prorating the estimated cost of all required public improvements which have not been finally accepted plus overrun allowances against each lot on the basis of area. (AO 16-76).

21.87.035 Release of Guarantee.

The Municipality shall release the obligation for performance guarantees upon the final acceptance of the improvement, together with the posting of adequate security for warranty.

The Municipality may refuse to release the obligation for any particular public improvement if the subdivider is in present or imminent default in whole or in part on the completion of any other public improvement or warranty covered by the subdivision agreement. (AO 16-76.)

21.87.037 Warranty.

A. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for the warranty period. Such warranty includes defects in design, workmanship, materials and any damage to improvements caused by the subdivider, his agents or others engaged in work to be performed under the subdivision agreement. The subdivider shall not be responsible for cleaning, snow removal, ditching, grading, dust control or similar activities during the warranty period. Nothing in this Title, however, is intended to waive the requirements of Chapter 24.80 (Miscellaneous Use Provisions).

B. To secure the warranty, the guarantee of performance provided in Section 21.87.030 above shall remain in effect until:

1. the end of the warranty period; or
2. the subdivider shall furnish the Municipality with a corporate surety bond, cash deposit or letter of credit in an amount equal to a percent of the total construction costs as set forth below. This security shall guarantee the payment of any reconstruction or repair costs which may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the Municipality.

Total Construction Cost	Percent to Secure Warranty
\$0 - \$500,000	10%
\$500,000 - \$1,000,000	7½%
\$1,000,000 and higher (AO 78-50).	5%

21.87.040 Warranty — Correction of Deficiencies.

Within 30 days (or a reasonable extension at the sole discretion of the applicable department director) of notification by the Municipality of the need for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to the Municipality. Such notification shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency within the time specified above, the Municipality will make the repair at the subdivider's sole expense. The Municipality may then bill the subdivider for the cost of the repair, or declare the bond or deposit forfeited. (AO 16-76).

21.87.050 Release of Warranty.

Inspection will be made by the Municipality at the end of the warranty period and prior to the release of guarantees. All deficiencies shall be corrected prior to release of the warranty security. Upon satisfactory correction of all deficiencies, the Municipality will release the remaining security. (AO 16-76).

21.87.055 Default.

In the event that the subdivider defaults on any obligation to construct required public improvements or the obligation to warrant and repair such improvements, the Municipality may demand immediate payment on the performance or warranty guarantee. In the case of the performance bond, deposits in

escrow, or letter of credit, the Municipality may demand immediate payment of a portion of all sums obligated for the performance or warranty of any improvement. In the case of a deed of trust guarantee method, the Municipality may foreclose on the deed of trust and may also retain any sums deposited to obtain a partial release of the deed of trust. All funds received by the Municipality shall be used for any construction, repair or reconstruction necessary to ensure:

- A. That all required public improvements are built to specifications necessary to receive final acceptance; and
- B. The improvements remain in good condition for the completion of the warranty period. The Municipality may use guarantee funds for the construction, repair or maintenance of required public improvements from the date of initial default until three years after the funds have become available to the Municipality for such use except that no use shall be made of the funds later than two years after satisfactory completion and final acceptance of the work. Following either: (1) the final acceptance of all public improvements and posting of the warranty security, or (2) successful completion of the warranty period, or (3) the three-year period provided for immediately above, the Municipality shall pay to the subdivider all guarantee funds which were not used or obligated for the completion of the improvements. (AO 16-76).

21.87.060 Enforcement.

All provisions of this chapter are mandatory and may not be altered by the subdivision agreement. The obligations contained in this chapter shall be enforceable by methods of enforcement of Ordinance as well as contract. (AO 16-76).

Chapter 21.90

UTILITY DISTRIBUTION FACILITIES

Sections:

- 21.90.010 General Provisions — Definitions.
- 21.90.020 Placement of New and Relocated Utility Distribution Lines.
- 21.90.030 Area of Application — Underground Zone Map.
- 21.90.040 Standards for Establishment of Underground Zone Map.
- 21.90.050 Variances.
- 21.90.060 Municipal Rights-of-Way.
- 21.90.070 Operation and Maintenance.
- 21.90.080 Existing Overhead Utility Distribution Lines — Nonconforming.
- 21.90.090 Conversion of Nonconforming Utility Distribution Lines — Extent of Requirement.
- 21.90.100 Conversion of Nonconforming Utility Distribution Lines — Manner.
- 21.90.110 Conversion of Nonconforming Utility Distribution Lines — Priority Areas.
- 21.90.120 Conversion of Nonconforming Utility Distribution Lines — Municipal Rights-of-Way.
- 21.90.130 Conversion of Nonconforming Utility Distribution Lines — Costs.

21.90.010 General Provisions — Definitions.

For the purpose of this chapter, the following terms shall have the meanings specified:

- A. "Central office" means the central office at which intelligence or control signals are generated, received or controlled.
- B. "Distribution substation" means the point immediately prior to the distribution transformer at which the last transformation of voltage takes place.
- C. "Distribution transformer" means the device which transforms voltage to the value required by the customer.
- D. "Gross revenue" means gross revenue collected in the Municipality shall not include that portion of telephone toll charges paid to a long-line common carrier.
- E. "Relocation" means a substantial change in alignment of a major portion of an existing utility line.
- F. "Utility distribution lines" mean those conductors and supports utilized to transfer energy, information or control signals between a distribution substation or central office and the premises (lot line) of the customer, excluding auxiliary equipment such as transformers and switching devices used in connection with such lines. (AO 156-76 and 155-76).

21.90.020 Placement of New and Relocated Utility Distribution Lines.

- A. All newly installed or relocated electrical, communication, signal or control utility distribution lines shall be placed underground.
- B. This section does not apply to:
 - 1. any utility line or facility which is not classified as a distribution line under Section 21.90.010;
 - 2. the overhead extension of an overhead distribution line of six spans or less, provided that this exemption may not be used cumulatively to extend a distribution system;
 - 3. the addition of a new distribution line to poles or other overhead structures which existed prior to the effective date of this chapter or which are lawfully constructed thereafter. (AO 156-76).

21.90.030 Area of Application — Underground Zone Map.

Section 21.90.020 of this chapter shall be implemented by the establishment of an underground zone map which shall designate all areas of the Municipality wherein the provisions of this section shall apply. The underground zone map shall be proposed by the Municipal Department of Community Planning. The proposed map shall be

reviewed by the Planning Commission at a public hearing and shall thereafter be transmitted with recommendations to the Assembly for adoption by Ordinance. Following the adoption of an underground zone map by the Assembly, the provisions of Section 21.90.020 shall apply to all areas within the zone and it shall thereafter be unlawful to violate the provisions of said section. (AO 156-76).

21.90.040 Standards for Establishment of Underground Zone Map.

The intent of Section 21.90.020 is to require that all new and relocated utility distribution lines be constructed underground in all areas of the Municipality except those falling within one or more of the areas described below:

- A. Zoning districts currently designated R-6, R-8, R-9, I-2, I-3, W and U;
- B. Areas of limited geographic extent which are adjacent to or near those areas described in subsection A hereof, where the inclusion in the zone would not result in an upgrading of the area due to the prevailing existing uses. (AO 156-76).

21.90.050 Variances.

Variances may be granted allowing utility distribution lines within the underground district to be installed overhead. Variances shall be granted in the same manner as prescribed for the granting of the variances to the zoning regulations (see Chapter 21.15), provided that the standards for granting a variance to this chapter shall be as specified herein. A variance may be granted upon a finding that:

- A. The installation of underground distribution facilities would provide an extreme economic burden. Such a burden may be deemed to exist only upon a showing that the installation of underground facilities would cost at least 100% more than overhead facilities of the same capacity; or
- B. The installation of underground utility distribution facilities would threaten the public health, safety or welfare due to technological or environmental problems, or
- C. The installation of overhead distribution facilities would be temporary and would be removed within two years. Variances granted under this provision shall impose the obligation to remove the overhead facilities following the expiration of the period of the variances. (AO 156-76).

21.90.060 Municipal Rights-of-Way.

No permit shall be issued for the installation of an electrical, telephone or any other telecommunication utility distribution facility within a Municipal right-of-way or upon Municipally owned lands in violation of this chapter. (AO 156-76).

21.90.070 Operation and Maintenance.

Existing overhead facilities may be reinforced or repaired as necessary. New overhead customer service lines may be connected to existing overhead distribution lines. (AO 156-76).

21.90.080 Existing Overhead Utility Distribution Lines — Nonconforming.

Existing overhead utility distribution lines on, adjacent to, or near public streets are hereby declared to be nonconforming uses and shall be converted to underground distribution lines according to the provisions of Sections 21.90.090 and .100 (AO 155-76).

21.90.090 Conversion of Nonconforming Utility Distribution Lines — Extent of Requirements.

Beginning January 1, 1977, all electrical, telephone and telecommunication utility enterprises within the Municipality of Anchorage shall carry out a program of undergrounding existing overhead distribution lines according to standards provided in Sections 21.90.100 and .110 of this chapter. Funds to implement the program of conversion established herein shall be provided by the utilities in an amount equal to 2% of such utilities' gross revenues collected in the Municipality for local services each fiscal year, beginning January 1, 1977. Electric and telephone utilities may carry out undergrounding programs which cost in excess of 2% of their gross revenues received during the fiscal year within which the work was performed and the cost incurred, in which case they shall be given a credit for such expenditures against the amount which would otherwise be required for this purpose during any of the next subsequent five fiscal years.

If any utility should, for any reason, allocate in any fiscal year a sum less than 2% of its gross yearly revenues for the conversion of existing overhead distribution lines, such utility shall make a sum equal to the deficiency available for expenditure during the succeeding fiscal years, provided that amounts so accumulated shall be utilized for undergrounding of lines within a subsequent five fiscal

years. Where a utility has established a fiscal year other than January 1 through December 31, the Chief Fiscal Officer of the Municipality shall make appropriate arrangements with the utility to ensure that the utility makes available funds for undergrounding for that portion of the utility's fiscal year which is within the period January 1, 1977 and the beginning date of the next fiscal year of the utility. (AO 155-76).

21.90.100 Conversion of Nonconforming Utility Distribution Lines — Manner.

Subject to the provisions of Section 21.90.090 of this chapter, utility companies maintaining overhead distribution lines on, adjacent to or near public streets shall at their own expense remove those overhead lines and replace or relocate such overhead lines with underground distribution lines. The underground conversion program required by this section shall be undertaken on, adjacent to, or near those streets which are designated by the Assembly pursuant to Section 21.90.110 of this chapter as priority areas for conversion of underground distribution facilities. The utility companies may carry out the underground conversion program in any portion of an area so designated by the Assembly in any manner which it may deem appropriate. (AO 155-76).

21.90.110 Conversion of Nonconforming Utility Distribution Lines — Priority Areas.

The utility companies will designate the underground conversion program each year. Such program will require Assembly approval. In designating streets and other areas to be within priority areas, the Assembly shall consider one or more of the following factors:

- A. Whether underground will avoid or eliminate an unusually heavy concentration of overhead distribution facilities;
- B. Whether the street or general area is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- C. Whether the appearance of grounds and structures adjacent to the roadway is such that the removal of the overhead facilities will substantially improve the general appearance of the area;
- D. Whether undergrounding will cause or contribute to the creation of unacceptable traffic hazards;

- E. Whether the street or area affects a public recreation area or an area of scenic interest;
- F. Whether there is a significant opportunity to achieve economies due to the anticipated relocation or replacement of overhead lines or the widening or realignment of streets within a given area;
- G. Whether the designated areas are of sufficient size to allow the utility companies significant discretion in choosing those facilities that will be converted under the requirements of Sections 21.90.090 and .100;
- H. Whether the area under consideration is within a zone where new and relocated distribution lines are required to be placed underground;
- I. Whether the installation of underground distribution lines is economically, technically and environmentally feasible. (AO 155-76).

21.90.120 Conversion of Nonconforming Utility Distribution Lines — Municipal Rights-of-Way.

Where the conversion to the underground distribution lines is required by this chapter, the Municipal Department of Public Works shall furnish to the utility, upon request, any available plans and/or other data showing the areas of the street or road right-of-way where the construction of underground utilities will result in a minimum conflict with other public and private facilities. If underground distribution lines converted pursuant to the requirements of this chapter are permitted to be constructed in Municipal road right-of-way, and if they are constructed in accordance with plans approved by the Department of Public Works, any subsequent relocation required within three years for the construction of roads, highways, sidewalks, bike trails or any other project constructed by the Municipality or under the control of the Municipality shall be included in the cost of the Municipal project. (AO 155-76).

21.90.130 Conversion of Nonconforming Utility Distribution Lines — Cost.

In any case where the conversion to underground distribution lines required by this chapter results in any facilities on a customer's or user's premises also being placed underground, the costs incurred in such user conversion shall be borne by the utility rather than the customer or user. (AO 155-76).

