

# LAND USE PLANNING

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## ANCHORAGE MUNICIPAL CHARTER, CODE AND REGULATIONS MUNICIPALITY OF ANCHORAGE, ALASKA

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**This pamphlet is a reprint of Title 21, Land Use Planning, Anchorage Municipal Code, published by Order of the Assembly.**

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**Supplement No. MA 47, MA 48, MA 49, MA 50, MA 51 (Rev.), MA 52, MA 53, MA 54 & MA 55**

**This supplement contains all ordinances and resolutions approved through: December 31, 2012**

*Any subsequent ordinances or resolutions adopted by the Assembly which may affect this code can be viewed on the web at the link listed below:*

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## TITLE 21

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**\*Editor's note**—Any provisions in Title 21 of the Anchorage Municipal Code, ordinances or resolutions of the Municipal Assembly, resolutions of Municipal boards or commissions, or entitlements issued pursuant to this Title that refer to Section 21.45.160 shall hereby be considered as referring to the applicable Sections and/or provisions of Chapter 21.47.

**Cross references**—General penalties and enforcement, ch. 1.45; notice of adoption of ordinances, § 2.30.110; assembly action on alcoholic beverage license applications, § 2.30.120; geotechnical advisory commission, § 4.50.050; permit required for moving buildings and structures, § 9.46.340; fines, § 14.60.030.

Chapter 21.01

**GENERAL PROVISIONS\***

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\***Editor's note**—Chapter 21.01 is effective at a future unspecified date when the Assembly adopts and repeals other chapters at the conclusion of the rewrite of Title 21 as stated in AO 2006-172, §§ 1 and 5, 4-10-2007. The chapter will be published when it becomes effective. Until publication, the ordinance may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

Chapter 21.02

**BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION\***

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**\*Editor's note**—Chapter 21.02 is effective at a future unspecified date when the Assembly adopts and repeals other chapters at the conclusion of the rewrite of Title 21 as stated in AO 2006-172, §§ 2 and 5, 4-10-2007. The chapter will be published when it becomes effective. Until publication, the ordinance may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

Chapter 21.03

**REVIEW AND APPROVAL PROCEDURES\***

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\***Editor's note**—It should be noted that § 2 of AO No. 2008-123 provides, " In keeping with the purposes and intent set forth in AR 2007-83 and AO 2006-172 (as modified by AO 2007-82), Chapter 21.03, Review and Approval Procedures, as hereby provisionally adopted, shall not be deemed law of the Municipality nor applied to land use matters until concurrent final passage and approval of all provisionally adopted Title 21 chapters. Repeal of existing municipal code necessary to effectuate such final passage and approval shall be implemented as described by ordinance." The chapter will be published when it becomes effective. Until publication, AO 2008-123 may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.



## Chapter 21.04

### ZONING DISTRICTS\*

21.04.080 Overlay zoning districts.

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**Editor's note**—\*Except for subsection 21.04.080 D. published below, Chapter 21.04 is effective at a future unspecified date when the Assembly adopts and repeals other chapters at the conclusion of the rewrite of Title 21 as stated in AO 2006-172, §§ 2 and 5, 4-10-2007 (as modified by AO 2007-82). The chapter will be published when it becomes effective. Until publication, the ordinance may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

AO 2009-97 enacted AMC subsection 21.04.080D. effective August 25, 2009. Section 3 of said ordinance states: "Until the effective date of the remainder of chapter 21.04, as adopted on May 20, 2008, all references in title 21 to chapter 21.60 shall be interpreted as references to subsection 21.04.080D." In addition, AO 2009-97 § 2 states:

"Until the effective date of the adoption of chapter 21.14, Rules of Construction and Definitions, the following definitions shall apply to subsection 21.04.080D.:

**Base Flood (100-Year).** The flood having a one percent chance of being equaled or exceeded in any given year.

**Development.** The initiation, construction, change, or enlargement of any use or structure, the disturbance of land, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

- Construction or enlargement of a building or structure;
- Change in the type of use of a building, structure, or land;
- Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land;
- Commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land;
- Demolition of a structure or the removal of vegetation from a parcel of land;
- Deposition of refuse, solid or liquid waste, or fill on a parcel of land;
- Alteration, either physically or chemically, of the shore, bank, or channel of any stream, lake, or other body of water or alteration of any wetland; and
- Any land-disturbing activity that adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

**Flood and Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters.
- The unusual or rapid accumulation or runoff of surface waters from any source.

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- Mudslides that are proximately caused or precipitated by accumulations of water on or under the ground.

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.

**Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study.** The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood.

**Flood Hazard Area.** Land adjacent to a watercourse that includes the streambed, floodway, flood fringe, and the floodplain.

**Floodplain.** 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, shall include all the land within the limits of the 100-year flood, and the floodway within it if such floodway is delineated.

**Floodproofing.** 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.

**Floodway, Regulatory.** The channel of a river or other watercourse and the adjacent land areas that 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 the maps and reports adopted by section 21.04.080D., Flood Hazard Overlay District.

**Floodway Fringe.** 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 the maps and reports adopted by section 21.04.080D., Flood Hazard Overlay District.

**Lowest Floor.** The lowest floor of the lowest enclosed area, including basement or crawl space. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in any area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section 21.04.080D.

**Manufactured Home.** A transportable, factory-built dwelling unit constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards (aka HUD code).

**Manufactured Home Community.** A parcel, or contiguous parcels, of land divided into two or more mobile home or manufactured home lots for rent or sale.

**Mean Sea Level.** The average height of the sea for all states of the tide. Datum is Greater Anchorage Area Borough, Post Quake, U.S. Geodetic Survey of 1972.

**New Structures.** Structures for which the start of construction commenced on or after September 25, 1979. The start of construction means the first placement of a permanent foundation and appropriate structural framing.

**Obstruction.** 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 material downstream to the damage of life or property.

**Permit, Flood Hazard.** An official document issued by the municipality pursuant to this title for uses, structures, or activities listed in the floodplain regulations.

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Subdivision.** 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 combining or resubdivision, and, when appropriate to the context, the process of subdividing or the land subdivided.

**Substantial Improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- Before the improvement or repair is started; or
- If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places."

### 21.04.080 Overlay zoning districts.

#### D. FHO: Flood Hazard Overlay District

1. *Purpose and intent.* The purpose of the Flood Hazard Overlay District is to promote the public health, safety, and general welfare and to minimize loss due to flood. The provisions of this section are intended to be an addition to all other land use regulations and to:
  - a. Restrict or prohibit uses and structures that are dangerous to health, safety, or property in time of flood, or that cause increased flood heights or velocities;
  - b. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection or flood proofing at the time of initial construction;
  - c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - d. Minimize prolonged business interruptions;
  - e. Minimize damages to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of flood hazard;
  - f. Help maintain a stable tax base by providing for the sound use and development of areas of flood hazard so as to minimize future flood blight areas;
  - g. Ensure that potential buyers are notified that property is in an area of flood hazard; and
  - h. Ensure that those who occupy the areas of flood hazard assume responsibility for their actions.
2. *Notice.* Property owners affected by changes to the boundaries of the flood hazard area or by changes in the base flood elevations shall be noticed by mail.
3. *Interpretation of section; disclaimer of liability.*
  - a. In the interpretation and application of this section, all provisions shall be:
    - i. Considered as minimum requirements;
    - ii. Liberally construed in favor of the governing body; and
    - iii. Deemed neither to limit nor repeal any other powers granted under state statutes.
  - b. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of flood hazard or uses permitted within such area will be free from flooding or flood damages. This section shall not create liability on the part of the municipality, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.
4. *Creation of flood hazard overlay district; official flood hazard reports and maps.*
  - a. *Creation of district; adoption of reports and maps.* There is hereby created a Flood Hazard Overlay Dis-

trict. This district shall be defined in its territorial extent by the following reports and maps:

- i. Flood Insurance Study for the Municipality of Anchorage, prepared by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).
- ii. Flood insurance rate map (FIRM) prepared by the Federal Insurance Administration, FEMA, including the current digital flood insurance rate map (DFIRM) prepared by the Federal Insurance Administration.
- iii. Flood boundary and floodway map, prepared by the Federal Insurance Administration, FEMA, including the current digital flood boundary and floodway map prepared by the Federal Insurance Administration.
- iv. Flood hazard boundary map (FHBM), prepared by the Federal Insurance Administration, FEMA, including the current digital flood hazard boundary map (DFHBM) prepared by the Federal Insurance Administration.

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

b. *Flood hazard areas.* Within the flood hazard overlay district, areas at a hazard for flooding include:

- i. Areas within the limit of the boundary of the base flood;
- ii. Areas within the highest extreme tide;
- iii. Areas covered in flood hazard studies prepared for the project management and engineering department that supplement the information prepared by FEMA; and
- iv. The stream setback area defined in subsection 21.07.020 B.4.

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

d. *Rules for interpretation of flood hazard area boundaries.* The boundaries of the flood hazard areas established by this chapter shall be determined from the cited maps and reports. Where interpretation is needed as to the exact location of the boundaries, the project management and engineering department, upon advice from the U.S. Corps of Engineers or FEMA, shall make the necessary interpretation.

5. *Regulations applicable to flood hazard overlay district.*

a. *Applicability.* The regulations within this section shall apply to all areas of the Flood Hazard Overlay District.

- b. *Prohibited development.*
- i. Any encroachments, new construction, fill, obstructions, substantial improvements and other development or action within the regulatory floodway that would result in any increase in flood levels during the occurrence of a base flood are prohibited.
  - ii. Critical facilities shall not be located in the flood hazard area. For the purposes of this subsection only, critical facilities are defined as fire stations, police stations, hospitals, emergency shelters, schools, and emergency operations centers.
- c. *Standards for issuance of building or land use permit.* No building permits, encroachment permits, manufactured home permits, or other land use permits shall be issued for any development activity within the Flood Hazard Overlay District unless the plans show that, in addition to compliance with all other ordinances, regulations and permit requirements, the development shall meet the following requirements:
- i. Prior to final approval of a permit it must be demonstrated that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act amendments of 1972.
  - ii. It must be demonstrated that structures will be reasonably safe from flooding. If a proposed building site is in a floodplain, all new construction and improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.
- iii. The approval of a subdivision application or multi-unit development shall require proof that:
- (A) The proposed construction is consistent with the need to minimize flood damage within the floodplain;
  - (B) All public utilities and facilities such as sewer, gas, electrical and water systems are to be located and constructed to minimize or eliminate flood damage;
  - (C) Adequate drainage, as required by the Design Criteria Manual (current approved edition), is provided to reduce exposure to flood hazards. The actions of one project shall not adversely impact the receiving waters and the rights of other property owners, as measured by increased flood peaks, flood stage, flood erosion, and sedimentation through storm waters or drainage systems; and
  - (D) Base flood elevation data has been provided for subdivision proposals and other proposed development that contains at least 50 lots or five acres, whichever is fewer.
- iv. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.

- v. Construction within floodplains shall require that:
    - (A) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
    - (B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
  - d. *Storage of materials or equipment in the floodplain.* The storage or processing of equipment or materials that are buoyant, flammable, explosive or injurious to safety, or which would cause a violation of state water quality standards upon contact with water, are prohibited in the floodplain.
6. *Regulations applicable to subdistricts.*
- a. *Floodway area.* Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris and potential projectiles and have erosion potential, the following provisions apply:
    - i. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields, and related facilities.
    - ii. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.
    - iii. The following structures and activities are permitted only by flood hazard permit including certification by a registered professional engineer demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge or result in violation of the state water quality standards: Excavation of sand, gravel and other natural resources, railroad and tramway tracks, streets, bridges, utility installations and pipelines, storage yards for equipment and materials, commercial farming, and land reclamation.
  - iv. The following uses are prohibited: Landfills, storage yards containing hazardous materials (as defined by the EPA), encroachments not otherwise excepted in this section, including fill, new construction, substantial improvements and other development.
  - b. *Floodway fringe area.* The regulations listed in this subsection are applicable to the floodway fringe area:
    - i. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities.
    - ii. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.
    - iii. The following uses, structures and activities are permitted only by flood hazard permit: Any use permitted by flood hazard permit as set forth in subsection a. of this section, and all other uses, structures and activities which are in accordance with all other land use regulations provided they are adequately floodproofed as set forth in subsection D.8. below, flood hazard permit.

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

7. *Construction requirements.*

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

- i. The lowest floor, including basement or crawl space, of residential structures shall be elevated to at least one foot above the base flood level. Within the structure, attendant utility and sanitary facilities shall be elevated to at least one foot above the base flood or completely floodproofed.
- ii. The lowest floor, including basement, of nonresidential structures shall be elevated to at least one foot above the base flood level, unless the structure, with all utility and sanitary facilities, is designed so that below base flood level the structure is watertight with walls substantially impermeable to the passage of water and so that it is capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- iii. All fully enclosed areas below the lowest floor that are usable solely for parking, building access, or storage in an area other than a basement or crawlspace shall have a minimum of two openings having a total net area of not less than one square inch for every square foot of en-

closed area according to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- iv. Where floodproofing is utilized a registered professional engineer or architect shall certify that the floodproofing methods are adequate.
- v. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that the repair, and on all property not within a manufactured home park or subdivision stands or lots are elevated on compacted fill or on pilings so that:
  - (A) The lowest floor of each manufactured home must be at least one foot above the base flood level.
  - (B) Adequate surface drainage and access for a hauler must be provided.
  - (C) For manufactured homes placed on pilings, pilings must be stable and no more than ten feet apart and

- reinforced if more than six feet above the ground level.
- (D) Lots must be large enough to permit steps.
- vi. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system.
- vii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include but are not limited to use of over-the-top or frame ties to ground anchors.
- b. *Standards for shallow flooding areas (AO zones).* Shallow flooding areas appear on the Flood Insurance Rate Maps as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
- i. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor, including basement or crawl space, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the Flood Insurance Rate Map (at least two feet if no depth number is specified).
- ii. New construction and substantial improvements of nonresidential structures within AO zones shall either:
- (A) Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the Flood Insurance Rate Map (at least two feet if no depth number is specified); or
- (B) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
- iii. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.
8. *Flood hazard permit.*
- a. *Required.* No person shall engage in development within the Flood Hazard Overlay District unless a flood hazard permit is first issued, pursuant to section 21.03.090, flood hazard permits.
- b. *Conditions.* Special conditions may be attached as a condition to the issuance of a flood hazard permit. Conditions shall include any



floodproofing measures deemed necessary by the issuing official to further the purposes of this chapter. Floodproofing measures may include requirements that:

- i. The finished surface of the first or main floor shall be at least one foot above the level of the regulatory flood protection elevation.
- ii. Structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation, such as working space, living space, sleeping space, etc.
- iii. The anchorage shall be suitable to resist flotation and lateral movement.
- iv. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exits of floodwaters.
- v. All areas below the level of the regulatory flood protection lev-

els shall be coated with paint, membranes, or mortars substantially impermeable to the passage of water.

- vi. Water supply and waste treatment systems must prevent infiltration of water.
- vii. All interior drains must be connected to the sanitary sewer system.

9. *Nonconforming uses.* A structure or the use of a structure or premises located within the Flood Hazard Overlay District that was lawful before the original passage of applicable regulations, but that is not in conformity of the provisions of such regulations, may be continued subject to the following conditions:

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

10. *Duties of the director of the project management and engineering department.*

- a. The director of the project management and engineering department shall grant or deny development permit applications in accordance with the provisions of this chapter, except

that the platting board is directed and authorized to consider this chapter in relation to any matter brought before that board.

- b. The director of the project management and engineering department shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator.
- c. Additional duties and responsibilities of the director of the project management and engineering department are as follows:
  - i. *Permit review.* The director of the project management and engineering department shall:
    - (A) Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
    - (B) Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
    - (C) Review all flood hazard permits to determine if the proposed development is located in the floodway, and, if located in the floodway, ensure that the encroachment provisions of subsection 6.a. above are met.
  - ii. *Use of other base flood data.* When base flood elevation data have not been provided in accordance with subsection D.3. above, the director of the project management and engineering department shall obtain, review and reasonably utilize any

base flood elevation data available from a federal, state or other source in order to administer subsections D.6. through D.9. above.

- iii. *Information to be obtained and maintained.* The director of the project management and engineering department shall:
  - (A) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.
  - (B) For all new or substantially improved floodproofed structures:
    - (1) Verify and record the actual elevation, in relation to mean sea level; and
    - (2) Maintain the floodproofing certifications required in subsection 7.a.iv. above.
  - (C) Maintain for public inspection all records pertaining to the provisions of this section.
- iv. *Duties regarding alteration of watercourses.* The director of the project management and engineering department shall:
  - (A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
  - (B) Require that maintenance is provided within the al-

- tered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
- v. *Interpretation of FIRM Boundaries.* The director of the project management and engineering department shall make interpretations, where needed, as to exact location of the boundaries of the areas of flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection D.11. below.
11. *Appeal procedure.* Appeals alleging error by the director of the project management and engineering department charged with the enforcement or interpretation of this chapter may be taken to the zoning board of examiners and appeals in accordance with the provisions of section 21.03.050, appeals.
  12. *Standards and conditions for variances and appeals.*
    - a. In passing upon variances or appeals, the zoning board of examiners and appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section and:
      - i. The danger that materials may be swept onto other lands to the injury of others;
      - ii. The danger to life and property due to flooding or erosion damage;
      - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsections 12.a.i. through xi. of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
      - iv. The importance of the services provided by the proposed facility to the community;
      - v. The necessity of the facility of a waterfront location, where applicable;
      - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
      - vii. The compatibility of the proposed use with existing and anticipated development;
      - viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
      - ix. The safety of access to the property in time of flood for ordinary and emergency vehicles;
      - x. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
      - xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

- c. The zoning board of examiners and appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this chapter.
- d. The director of the project management and engineering department shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.
- e. Conditions for variances are as follows:
  - i. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
  - ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the basic flood discharge would result.
  - iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - iv. Variances shall only be issued upon:
    - (A) A showing of good and sufficient cause;
    - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
    - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - v. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(AO No. 2009-97, 2, 8-25-09)

## Chapter 21.05

### COMPREHENSIVE PLAN\*

21.05.010	Adoption; scope of chapter.
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21.05.150	Implementation—Chugiak-Eagle River Transportation Plan.
21.05.155	Procedure for creating and adopting a neighborhood or district plan.

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\***Editor's note**—AO 2008-49, § 2 provides: "In keeping with the purposes and intent set forth in AR 2007-83 and AO 2006-172 (as modified by AO 2007-82), Chapter 21.05, Use Regulations, as hereby provisionally adopted, shall not be deemed law of the Municipality nor applied to land use matters until concurrent final passage and approval of all provisionally adopted Title 21 chapters. Repeal of existing municipal code necessary to effectuate such final passage and approval shall be implemented as described by ordinance." The new chapter 21.05, use regulations, will be published when it becomes effective. Until publication AO 2008-49 may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

**Charter reference**—Planning, art. XII.

**21.05.010 Adoption; scope of chapter.**

A. This chapter, and the documents incorporated in this chapter, constitute the comprehensive plan of the municipality.

(AO No. 85-165)

**Charter reference**—Comprehensive plan, § 12.01.

**21.05.020 Purpose.**

The purpose of the comprehensive plan is to set forth the goals, objectives and policies governing the future land use development of the municipality that guide the assembly in taking legislative action to implement the plan.

(AO No. 18-75; AO No. 82-85; AO No. 85-165; AO No. 2000-119(S), § 1, 2-20-01)

**21.05.025 Repealed.**

**Editor's note**—AO No. 2000-119(S), § 2, adopted Feb. 20, 2001, repealed § 21.05.025, which pertained to goals. See the Code Comparative Table.

**21.05.030 Elements.**

The comprehensive plan consists of the following elements, which are incorporated in this chapter by reference. While they may be valid planning tools, plans or other elements that are not listed below or incorporated into the comprehensive plan elsewhere in this Code are not official elements of the comprehensive plan. If elements of the comprehensive plan conflict, the element most recently adopted shall govern.

**A. Anchorage Bowl.**

1. Anchorage 2020, Anchorage Bowl Comprehensive Plan, February 20, 2001 (AO No. 82-85, AO No. 2000-119(S)).
2. Anchorage Downtown Comprehensive Plan, dated December 11, 2007. (AO No. 2007-113, § 2, 12-11-07).
3. Spenard Commercial District Development Strategy, June 1986 (AR No. 86-121; AO 87-145).
4. Section 36 Land Use Study (recommending Alternative 2), March 1991. (AO 92-125).
5. The Ship Creek/Waterfront Land Use Plan (dated May, 1991), including

the Transportation Element (dated June 3, 1991). (AO 91-88, as amended by attachment of Assembly Information Memorandum (AIM) 178-91)

6. Potter Valley Land Use Analysis (AO 99-144).<sup>2</sup>
7. U-Med/Universities and Medical District Framework Master Plan dated October 21, 2003, and plan map amendments approved June 23, 2009 and August 21, 2012. (AR No. 83-195; AO No. 2003-129, § 2, 10-21-03; AO No. 2009-69, § 2, 6-23-09; AO No. 2012-79, § 2, 8-21-12).<sup>3</sup>
8. Tudor Road Public Lands and Institutions Plan, April 1986 (AR 86-162).<sup>4</sup>
9. Utility Corridor Plan, February 27, 1990 (AO No. 90-13(S)).
10. 3500 Tudor Road Master Plan. (AO No. 2007-118, § 3, 11-13-07)
11. Hillside District Plan, effective April 13, 2010. (AO No. 2010-22, § 2, 4-13-10)
12. West Anchorage District Plan, July 2011. (AO No. 2012-47, § 1, July 10, 2012).

**B. Turnagain Arm.**

1. Turnagain Arm Comprehensive Plan, as amended and adopted December 1, 2009 (AO No. 79-208; AO No. 85-16; AO No. 87-22; AO No. 2006-15, § 1, 2-28-06; AO No. 2009-126, § 2, 12-1-09).
2. Girdwood Area Plan, February 1995 (AO No. 94-238(S); AO No. 98-176, § 1, 11-24-98).
3. Glacier-Winner Creek Access Corridor Study Final Routing Report, December 1996 (AO 97-11).
4. Girdwood-Iditarod Trail Route Study, May 1997 (AR 97-84).<sup>5</sup>
5. Girdwood Commercial Areas and Transportation Master Plan, February 20, 2001 (AO 2000-124(S) (as amended)).

C. *Chugiak, Eagle River, Eklutna.*

1. Chugiak-Eagle River Comprehensive Plan, January 1993; amended by Alternative 1 of HLB Parcel 1-085 Land Use Study, March 1996; amended by Chugiak—Eagle River Comprehensive Plan Update, April 2006; amended by Chugiak-Eagle River Site Specific Land Use Plan, January 2009 (AO No. 79-136, AO No. 92-133; AO No. 96-86, AO No. 2006-93(S-1); AO No. 2006-93(S-1), § 2, 12-12-06; AO No. 2009-104, § 3, 9-15-09).
2. Eagle River Greenbelt Plan, April 1985 (AR No. 85-88).<sup>6</sup>
3. Eagle River Central Business District Revitalization Plan, (AO 2003-74).

D. *Environmental Quality.*

1. Anchorage Coastal Management Plan, July 2007 (AR No. 79-153; AO No. 81-3; AO 2007-107, effective August, 2007).
2. Anchorage Wetlands Management Plan, April 1995 (AO No. 82-33(S); AO No. 84-16(SA); AO No. 84-130(S); AO No. 84-163; AO No. 95-129, § 2, 3-12-96; AO No. 2006-94, § 2, 7-25-06).
3. 208 Areawide Water Quality Management Plan, August 1979 (AR No. 79-151, executive summary contained in AIM 147-79; AO 82-33(S)).<sup>7</sup>
4. 1992 Air Quality Attainment Plan for Anchorage, Alaska, December 1992<sup>9</sup> (AR No. 82-170; AR 92-279).
5. Eagle River PM-10 Control Plan, September 1991 (AR No. 90-30; AR No. 91-197).<sup>10</sup>
6. Little Campbell Creek Watershed Management Plan.

E. *Transportation.*

1. Official Streets and Highways Plan, Fall 2005 (AO 79-70; AO No. 83-200; AO No. 84-255; AO No. 86-132; AO

No. 96-97(S), § 1, 8-13-96; AO No. 97-85, § 1, 6-3-97; AO No. 2000-122, § 1, 8-15-00; AO No. 2005-115).

2. Street and Highway Landscape Plan, November 1981 (AO No. 81-180)1.
3. 2035 Metropolitan Transportation Plan, January 2012. (AO No. 85-165; AO No. 96-104, § 2, 8-13-96; AR No. 98-25; AO No. 2001-75, § 2, 4-24-01; AO No. 2003-128, § 2, 9-23-03; AO 2005-115; AO No. 2012-30(S), § 2, 4-10-12).
4. Anchorage Non-Motorized Transportation Plan:
  - a. Pedestrian Plan, October 2007. (AO No. 2007-97, 10-9-07);
  - b. Bicycle Plan, April 2010. (AO 2010-8, § 2, 4-13-10).

F. *Parks, Greenbelts and Recreational Facilities.*

1. Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan dated (April 18, 2006). (AO No. 2005-122, § 2, 4-18-06)
2. Areawide Trails Plan, January 1996, as amended by Hillside District Plan Map 4.4, effective April 13, 2010. (GAAB Resolution No. RE 73-100)<sup>12</sup> AO No. 78-203; AO No. 85-16; AO No. 96-140, § 2, 4-8-97; AO No. 2010-22, § 2, 4-13-10).
3. Areawide Library Facilities Plan, April 1984 (GAAB Resolution No. R17-71<sup>13</sup> AR No. 82-170).
4. Updated Far North Bicentennial Park Plan (GAAB Resolution No. RE 74-128; AR No. 85-87; AO No. 2002-165, 12-10-02).<sup>14</sup>
5. Campbell Creek Park System Acquisition and Development Plan (GAAB Resolution No. R86-72).<sup>15</sup>
6. Chester Creek Greenbelt (AR No. 11-75).<sup>16</sup>
7. Rabbit Creek Greenbelt Plan, October 1986 (AM No. 882-79; AM No. 882-79A; AR No. 87-16).<sup>17</sup>

(AO No. 18-75; AO No. 82-49; AO No. 85-165; AO No. 2000-119(S), § 4, 2-20-01; AO No. 2001-124(S), § 2, 2-20-01; AO No. 2002-68, § 1, 4-23-02; AO No. 2002-119, § 1, 9-10-02; AO No. 2003-74, § 1, 5-20-03; AO No. 2003-129, § 2, 10-21-03; AO No. 2005-115, § 3, 10-25-05; AO No. 2006-93(S-1), § 2, 12-12-06; AO No. 2007-107, § 2, 8-28-07; AO No. 2008-74, § 2, 6-24-08; AO No. 2009-69, § 2, 6-23-09; AO No. 2009-104, § 3, 9-15-09; AO No. 2009-126, § 2, 12-1-09; AO No. 2010-22, § 2, 4-13-10)

**Editor's note**—AO No. 2001-119(S), at section 9, provides that "elements of the comprehensive plan listed in section 21.05.030 that were originally adopted by resolution are hereby ratified and confirmed, and for the purpose of the rules stated in section 21.05.030 for interpretation of conflicting plan elements, shall be deemed to have been adopted on the date that they were adopted by resolution" and further provides the following information corresponding to the above footnotes:

<sup>1</sup>This plan was originally adopted by the 1976 Comprehensive Plan ordinance, but is superseded by implication by the 1983 plan. This ordinance (AO 2000-119(S)) repeals the plan adopted in 1976 and elevates the 1983 plan to an element of the comprehensive plan.

<sup>2</sup>Previously enacted as an amendment to the Comprehensive Plan and herein codified.

<sup>3</sup>Not previously listed as an express element of the Comprehensive Plan.

<sup>4</sup>Not previously listed as an express element of the Comprehensive Plan, but was originally conceived as a subelement of the Far North Bicentennial Park Plan, which is a part of the Comprehensive Plan.

<sup>5</sup>Previously included in published versions of Title 21 as an editor's note and herein elevated to a plan element.

<sup>6</sup>Not previously listed as an express element of the Comprehensive Plan.

<sup>7</sup>Refer to AMCR Chapter 21.67 for certain permitting requirements.

<sup>8</sup>Accompanying Transition Area Standards Technical Report is superseded and otherwise codified by AMC 21.45.200 per AO 85-20.

<sup>9</sup>Not previously an element of the Comprehensive Plan, but supersedes by implication the 1982 plan.

<sup>10</sup>Not previously an element of the Comprehensive Plan.

<sup>11</sup>This plan was adopted by the 1976 Comprehensive Plan ordinance, but is superseded by implication by the Anchorage Park, Greenbelt and Recreation Facility Plan. Historical research did not disclose the original enacting resolution or ordinance. AO No. 2001-119(S) officially acknowledges and approves the supersedence.

<sup>12</sup>Borough Bikeways Plan was adopted by the 1976 Comprehensive Plan ordinance and not otherwise expressly revoked,

repealed or superseded. However, it is superseded by implication by the Areawide Trails Plan. AO No. 2001-119(S) officially acknowledges and approves the supersedence.

<sup>13</sup>The 1976 Comprehensive Plan adopted the Comprehensive Library Services and Facilities Plan (GAAB R17-71), which has been superseded by implication by the Areawide Plan. AO No. 2001-119(S) officially acknowledges and approves the supersedence.

<sup>14</sup>This plan was adopted by the 1976 Comprehensive Plan ordinance and should remain listed as its removal may affect the federal and state patents under which the Municipality holds title to the property.

<sup>15</sup>Not previously adopted as part of the Comprehensive Plan and not otherwise revoked, repealed or superseded.

<sup>16</sup>Adopted by the 1976 Comprehensive Plan ordinance and not otherwise revoked, repealed or superseded.

<sup>17</sup>Not previously an element of the Comprehensive Plan.

#### **21.05.040 Procedure for modification.**

*A. Review by planning and zoning commission.* The planning and zoning commission shall review and make recommendations regarding a proposed modification to the comprehensive plan before the assembly may act on the proposed modification. Before making a recommendation under this section, the planning and zoning commission shall hold at least one public hearing on the proposed modification.

*B. Levels of review.* The comprehensive plan and its elements were developed around a given set of community attitudes and economic and demographic data and trends. To account for possible changes in these factors, it is necessary to establish a process for plan review and reevaluation. Because this review need not necessarily result in the complete revision of the plan, three levels of review are provided for:

1. *Plan revision.* The plan must be reviewed and revised at least once every 20 years, preferably following the decennial census.
2. *Plan reevaluation.* A reevaluation of the major trends and policies of the comprehensive plan must occur ten years from the time of its initial adoption. If major deviations from those trends anticipated in the initial plan are not identified, a complete revision of the plan is not re-



quired. If major deviations are noted in this reevaluation, a revision of the plan is warranted and shall be initiated.

3. *Plan review.* The plan may be reviewed once every five years, or at the time of an areawide rezoning, in order to make it consistent with economic and demographic trends, recent and proposed land use decisions, and adopted studies and plans.

(AO No. 79-208; AO No. 82-33(S); AO No. 82-85; AO No. 85-165; AO No. 2000-119(S), § 5, 2-20-01)

#### **21.05.050 Land use classifications.**

A. The land use classifications in the comprehensive plan are categories of complementary land uses. These land use classifications constitute the comprehensive plan's functional land use classification system, which guides the municipality's entire land use regulation system.

B. The land use classifications in the comprehensive plan have the following purposes:

1. To provide a balanced, compatible land use mix, including a range and placement of land use activities deemed necessary to community well-being;
2. To separate incompatible uses and minimize conflict between land uses;
3. To provide appropriate land use allocations, by category, in keeping with a realistic assessment of areawide and localized community needs;
4. To ensure the continued physical, social and economic vitality of each community within the municipality;
5. To provide incentives for reinvestment by the private sector to achieve stated community objectives; and
6. To accommodate changing social, technological and economic conditions.

C. The land use classifications in the comprehensive plan include the following:

1. *Residential.* This classification is for areas substantially developed for residential purposes and expected to remain residential for the duration of the comprehensive plan, and vacant areas best suited to residential development. The density of development in the residential classification is governed by the residential intensity maps of the comprehensive plan. The plan shall be implemented to enhance the quality of existing residential areas undergoing redevelopment.
2. *Commercial.* This classification is for areas substantially developed for commercial purposes and expected to remain commercial for the duration of the comprehensive plan, and vacant areas best suited to commercial development. The use of, and development criteria for, a particular site shall depend upon the character of surrounding land uses, the availability of public services and facilities, and environmental considerations. The land use classification maps do not depict all locations for neighborhood commercial areas. Those locations shall be determined through zoning map amendments in accordance with the policies for those areas in the comprehensive plan, and the statement of intent for the applicable use district.
3. *Industrial.* This classification is for areas substantially developed for industrial purposes and expected to remain industrial for the duration of the comprehensive plan, and vacant areas best suited to industrial development. The use of, and development criteria for, a particular site shall depend upon the character of surrounding land uses, the availability of public services and facilities, environmental considerations, and any applicable performance standards.
4. *Commercial-industrial.* This classification is for areas substantially developed for commercial-industrial purposes and expected to remain commercial-industrial for the duration of the comprehensive plan, and vacant areas best suited to commercial-industrial development. The use of, and development criteria for, a particular site shall depend upon the character of surrounding land uses, the availability of public services and facilities, and environmental considerations. This classification reflects the policy for related and compatible commercial and industrial uses to develop along arterials.
5. *Public lands and institutions.* This classification is for areas substantially developed for active public and institutional uses, and vacant areas designated for future public and institutional uses.
6. *Environmentally sensitive land.* This classification is for environmentally sensitive land within the Turnagain Arm and Chugiak-Eagle River areas, including saltwater marshes, critical wildlife habitats, freshwater marshes, high value wetlands, floodplains, unstable soils, historical and archaeological sites, tidal creeks and flats, bedrock areas and steeply sloped lands. In steeply sloping areas, development shall be consistent with such constraints as glaciation, erosion, slope stability, avalanche outfall chutes, watershed protection and soil percolation. Privately owned land in this classification is designated for residential uses at densities in accordance with the standards of the R-10 use district. In other environmentally sensitive areas, development shall be limited to open space or passive recreational uses, provided that floodplain and wetland areas may be developed at low rural residential densities or in cluster development patterns which place improvements on environmentally suitable land. Such development shall be subject to a site analysis of soils, foundation conditions, slope and hydrology, and, for wetland areas, a study of measures necessary to maintain or restore the original hydrologic cycle.

7. *Mixed use.* This classification is for those areas intended to have a mix of residential commercial, institutional, open space or light industrial uses. A mixed use designation on the map does not prescribe particular proportions for each of these uses, but rather indicates that some amount of each use may be present in the area. A mixed use area may contain a mix of uses. The mixed use classification is for large tracts of land which are under unified ownership or development control and which are suitable for a mix of uses when proposed as part of a total, integrated development project with a coherent physical design. Such projects may be phased and may be required to include provisions for trail corridors, stream protection, buffering, utilities, parks and open space, and other appropriate amenities. It is anticipated that various uses such as office, commercial, institutional and residential development, including both large lot and small lot residential development, may be combined in a development project.
8. *Commercial recreation.* This classification is for those areas that have or may have a primary or secondary relationship to a recreation resource. Commercial recreation may be developed by either profit or nonprofit entities.

(AO No. 18-75; AO No. 79-136; AO No. 79-208; AO No. 77-355; AO No. 82-85; AO No. 85-16; AO No. 85-165; AO No. 92-133; AO No. 2000-119(S), § 6, 2-20-01)

#### 21.05.060 Residential densities.

For areas classified residential, residential density ranges are designated on the residential intensity maps. These densities are expressed in terms of dwelling units per gross acre. A gross acre includes the area of both current and future rights-of-way and easements. The density ranges designated on the residential intensity maps indicate the total number of dwelling units in a contiguous geographic area for the purposes of facility planning and as an indication of the overall distribution of population and of desired housing types. The exact level of density for a

particular site shall be determined, subject to the standards in section 21.05.080.C.4.b., at the time of rezoning, conditional use approval or plat approval. Both initial development and redevelopment are subject to the density designations on the residential intensity maps.

(AO No. 18-75; AO No. 79-136; AO No. 79-208; AO No. 77-355; AO No. 82-85; AO No. 85-16; AO No. 85-165)

#### 21.05.070 Implementation—Generally.

The elements of the comprehensive plan shall be implemented as provided in sections 21.05.080 through 21.05.150, and as provided in the remainder of this title.

(AO No. 85-165)

#### 21.05.080 Implementation—Anchorage 2020 Anchorage Bowl Comprehensive Plan.

A. *Implementation of current plan.* The goals, policies and objectives of the Anchorage 2020 Anchorage Bowl Comprehensive plan will be implemented through a series of land use plans and functional plans. In addition, the Anchorage 2020 Anchorage Bowl Comprehensive Plan will be implemented by amendments to this title.

B. *Applicability of former plan.* The Generalized Land Use Plan and the Residential Intensity Plan in the 1982 Anchorage Bowl Comprehensive Development Plan shall remain elements of the comprehensive plan for the Anchorage Bowl, but only to the extent not in conflict with the Anchorage 2020 Anchorage Bowl Comprehensive Plan or until repealed or superseded by subsequent ordinances, including adoption of future plans.

C. *Transition.* Until more specific implementation strategies or plans for the Anchorage 2020 Anchorage Bowl Comprehensive plan are adopted, the approving authority shall review an application for an entitlement for conformity to the plan in accordance with the following hierarchy and procedure:

1. The approving authority may approve an application for an entitlement only if it does not conflict with the goals, policies and objectives of the Anchorage 2020 Anchorage Bowl Comprehensive Plan.

2. If in conformance with the plan goals, policies and objectives, the approving authority must then determine if the application is in conformance with the Land Use Concept Plan, where applicable.
3. Where the Land Use Concept Plan is not applicable, the approving authority may approve an entitlement only if the approving authority also finds that the application is consistent with the other applicable elements listed in 21.05.030.
4. Where not governed by the Land Use Concept Plan or the elements listed in 21.05.030, the approving authority may approve an entitlement only if the approving authority finds that the application is consistent with the 1982 Generalized Land Use Plan and the Residential Intensity Plan.
  - a. *Generalized Land Use Plan.* Entitlements shall conform to the Generalized Land Use Plan, except where the approving authority finds one of the following:
    1. Existing uses that do not conform to the Generalized Land Use Plan are integrated compatibly into the area;
    2. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or
    3. The proposed use does not conflict with the Anchorage 2020 Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area. Entitlements at a boundary between land use categories shall be subject to design standards that will make the entitlement compatible with land uses in the adjacent land use category.
  - b. *Generalized residential intensity map.*
    1. The densities on the Generalized Residential Intensity Plan refer to the range of dwelling units per gross acre within a large contiguous area. Residential density within smaller areas under common ownership, particularly those with wetlands or marginal soils or requiring transitional space, may exceed the density designated on the generalized residential intensity map. However, adequate internal circulation, open space and transitional space or buffering shall be provided. The average density of the small area, including the areas devoted to open space and buffering, shall not exceed the density designated on the generalized residential intensity map.
    2. Entitlements shall conform to the generalized residential intensity maps, interpreted in accordance with subsection 1. of this subsection, except where the approving authority finds that:
      - (a) A greater residential intensity does not alter the plan for the surrounding neighborhood or general area, because of one of the following:
        - (1) Development is governed by a cluster housing, planned unit development or planned unit development site plan;
        - (2) The area is near an existing high-density node, and, through approval of a zoning map amendment, has been determined to

be appropriate for development at a greater intensity to concentrate housing at a focal location; or

(3) The area is adjacent to a neighborhood, community or regional shopping center, or to a principal transit corridor.

(b) A lessor residential intensity would provide a clear and overriding benefit to the surrounding neighborhood.

(c) The proposed residential density does not conflict with the Anchorage 2020 Anchorage Bowl Comprehensive Plan goals and policies pertaining to the surrounding neighborhood or the general area.

c. *Parcels near boundaries.* Because the comprehensive plan is necessarily generalized, entitlements at or within 500 feet of boundaries in the Generalized Land Use Plan and Generalized Residential Intensity Plan shall be treated as follows: Areas clearly within a particular classification shall follow the standards of that classification. The classification of areas at or near boundaries on the Generalized Land Use Plan and Generalized Residential Intensity Plan shall be interpreted in accordance with the goals, policies and objectives of the Anchorage 2020 Anchorage Bowl Comprehensive Plan, provided that interpretation shall not be a basis for cumulative encroachment.

5. The decision of the approving authority shall include findings applying the above hierarchy as necessary to determine whether to approve, approve with condi-

tions, or disapprove an application for an entitlement under the procedure in this subsection.

(AO No. 18-75; AO No. 79-136; AO No. 79-208; AO No. 77-355; AO No. 82-85; AO No. 85-58; AO No. 85-165; AO No. 2000-119(S), § 7, 2-20-01)

**21.05.090 Implementation—Eagle River-Chugiak-Eklutna Comprehensive Plan.**

Zoning map amendments, conditional uses and subdivisions shall conform to the land use and residential intensity classification maps of the Eagle River-Chugiak-Eklutna Comprehensive Plan, except where the approving authority finds that the application meets the standards of section 21.05.080.C, D and E.

(AO No. 79-136; AO No. 85-23; AO No. 85-165)

**21.05.100 Implementation—Turnagain Arm Comprehensive Plan.**

Zoning map amendments, conditional uses and subdivisions shall conform to the land use plan maps of the Turnagain Arm Comprehensive Plan, except as provided in section 21.40.117.

(AO No. 79-208; AO No. 82-162; AO No. 85-16; AO No. 85-165)

**21.05.110 Implementation—Transition (T) district.**

The transition district (T district) which encompasses parts of the Anchorage Bowl and Eagle River-Chugiak-Eklutna areas is inadequate to serve the increased pressure for development within these areas. Interim development of these areas, including the issuance of land use or building permits, shall proceed in accordance with the land use and residential classification maps of the areas' comprehensive plans. The standards of section 21.05.080 shall be followed for all subdivision plats, conditional uses or rezoning actions. Initial areawide zoning shall be based upon the comprehensive development plan, including but not limited to the plan maps.

(AO No. 79-136; AO No. 85-23; AO No. 85-165; AO No. 88-59(S))

### 21.05.115 Implementation—Anchorage Wetlands Management Plan.

A. *Municipal programs.* 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 plan.
2. Municipal management and disposal of the state lands selected under AS 29.18.210—29.18.213.

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 "A" in Table 2 will be protected as indicated in that table and in Chapter 4 of the Anchorage Wetlands Management Plan.
2. The provisions of AMC 21.80.100—110 may be applied to plats showing development of wetlands designated "A" 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 AMC 21.80.110, the "A" wetlands have not 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 submitting a plat for that property. In conducting the Section 404 review, the "A" Wetlands-Management Guidelines and Implications found in Section II.B. of the Wetlands Management Plan shall be applied.

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

4. In order to maximize protection of wetlands designated "B," 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 properly 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 maintenance 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 section 21.15.110.C or 21.15.030.C.3 and such other wetlands studies as may be relevant.

5. Whenever practicable, the platting authority or the planning and zoning commission shall include the recommended construction mitigation techniques and conditions and enforceable policies in Table 2 when approving plats or conditional use permits in wetlands designated "C" under the plan.

*C. Application of plan to approved projects.*

1. Conditional uses and preliminary plats approved prior to April 1995, the date of adoption of the revised Anchorage Wetlands Management Plan, shall not have additional conditions imposed upon them as a result of requirements of the plan except as follows:
  - a. The "A" designation shall apply regardless of prior approvals;
  - b. 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 enforceable policies.

(AO No. 82-33(S); AO No. 85-165; AO No. 95-129, § 3, 3-12-96; AO No. 2006-94, § 2, 7-25-06)

**21.05.120 Implementation—Hillside District Plan.**

A. The Hillside District Plan replaces the Hillside Wastewater Management Plan; updates the recommended maximum perimeter of public sewerage; and adopts the official Land Use Plan Map for the Hillside (providing greater specificity than the Anchorage 2020 Land Use Concept Plan); and replaces the 1982 Generalized Land Use Plan and Generalized Residential Intensity Plan for the Hillside area. The Hillside District Plan updates the Hillside portion of the Areawide Trails Plan Map with Map 4.4.

B. The approving authority may approve an application for an entitlement only if it does not conflict with the Hillside District Plan goals and

policies and the land use and residential intensities of the Hillside District Plan Land Use Plan Map.

(AO No. 82-52; AO No. 85-20; AO No. 85-167; AO No. 85-168; AO No. 85-165; AO No. 2010-22, § 3, 4-13-10)

**21.05.130 Implementation—Coastal Management Plan.**

The following elements of the Anchorage Coastal Management Plan, dated July 2007, are adopted as elements of the comprehensive plan:

- A. In Chapter Two: Section 2.1—"Anchorage Coastal Zone Boundary"; Section 2.1.1—"Boundary Clarification"; and Section 2.1.2—"Designation"; on pages 3—4.
- B. In Chapter Two: Section 2.4—"Areas Meriting Special Attention" on page 4.
- C. In Chapter Three: Section 3.1.2—"Goals and Objectives" on page 8.
- D. All of Chapter Five—"Enforceable Policies" on pages 41—43.
- E. Maps 1, 2, & 3.

(AO No. 85-165; AO No. 95-129, § 4, 3-12-96; AO No. 2006-94, § 2, 7-25-06; AO No. 2007-107, § 3, 8-28-07)

**21.05.140 Implementation—Spenard Commercial District Development Strategy.**

A. The Spenard Commercial District Development Strategy should be used as the basis for the development and redevelopment of private and public lands adjoining Spenard Road between Minnesota Drive and International Airport Road. It shall also provide the basis for public investment decisions and the development of public-private institutional and financial mechanisms, and for land use and public facility regulatory reviews.

B. All municipal zoning, platting and public facility decisions should use, as agreed to, to the maximum extent practicable, the policies and objectives of the Spenard Commercial District Development Strategy. All rezonings shall identify an effective date.

C. All municipal decisions involving state, federal and municipal regulatory permitting programs, the design and development of public facilities, and decisions involving easements and right-of-way acquisition should use, as agreed to, to the maximum extent practicable, the Spenard Commercial District Development Strategy.



D. A site plan depicting the proposed uses, structures and associated site design features shall be provided as part of the application for any rezoning or conditional use application within the area affected by the Spenard Commercial District Development Strategy. All rezonings and conditional use applications shall, in addition to Code submittal requirements, provide an analysis of the relationship of the proposed structures and uses to the development strategy, and, specifically, to its site planning and architectural guidelines.

E. Pre-application conferences shall be required for all rezonings and conditional use applications, and shall review the proposed project and uses in relationship to the development strategy. (AO No. 87-145)

**21.05.150 Implementation—Chugiak-Eagle River Transportation Plan.**

The Official Streets and Highways Plan portion of the Chugiak-Eagle River Transportation Plan (Chapter 9), classifies roadways as either collectors, arterials, or freeways. Title 21 utilizes subclassifications of this system. For purposes of clarification the following conversion table shall be used:

<i>Chugiak-Eagle River Transportation Plan</i>	<i>Title 21</i>
Collector	Class IB Collector
Arterial	Class III Arterial

(AO No. 96-104, § 3, 8-13-96)

**21.05.155 Procedure for creating and adopting a neighborhood or district plan.**

A. *Purpose and Authority.*

1. *Purpose.* Neighborhood or district plans shall be guided by the elements of the Comprehensive Plan, as defined in section 21.05.030. Neighborhood or district plans should give specificity to the goals, objectives, policies, and strategies of the Comprehensive Plan. These plans shall supplement and elaborate on the Comprehensive Plan. The goal of a neighborhood or district plan is to promote the orderly

growth, improvement, and future development of the neighborhood, community, or municipality.

2. *Authority.* These procedures and minimum standards are established for the creation and review of plans for the development, growth, and improvement of the municipality, its neighborhoods and communities. The plans may be sponsored by the Mayor, the Assembly, the Planning and Zoning Commission (the "Commission"), the Planning Department (the "Department"), the Community Development Division, or upon the express approval of the Assembly by resolution, any Community Council or group of Councils, or other groups or organizations representing the broad public interest recognized by the Assembly to sponsor a neighborhood or district plan (hereafter called the "sponsor").

In order to obtain the approval of the Assembly, as a sponsor, any Community Council, group of councils or other groups or organizations shall request a resolution from the Assembly authorizing them to proceed with the development of a neighborhood or district plan. The group shall demonstrate, to the reasonable satisfaction of a majority of the Assembly, that they represent the broad public interest necessary to successfully develop a plan; that they have read and understand the requirements of this ordinance; that their proposed plan will comply with the standards set forth in this ordinance; and that they have sufficient financial resources and a sufficient level of knowledge and expertise to warrant the expenditure of public resources as provided herein.

3. *Policy Guidance.* An adopted plan shall be an element of the Comprehensive Plan and shall serve as a policy to guide subsequent actions by municipal agencies. The Assembly and the Commission shall consider adopted plans in review of land use, zoning actions, and capital improvement programs, where consideration is

consistent with the Charter, the Comprehensive Plan, and general law. Agencies shall consider adopted neighborhood or district plans as guidance for actions, whether or not actions are subject to Commission review. The existence of an adopted neighborhood or district plan shall not preclude the Assembly, any municipal department or agency, or any board or commission of the municipality from developing other plans or taking actions not contemplated in the neighborhood or district plan affecting the same geographic area or subject matter.

**B. Plan Submission.**

1. *Initiation Meeting.* The sponsor of a plan shall meet with the Department at the initiation of the planning process to discuss and clarify content requirements, scheduling, and other relevant issues. Periodically, the Department shall report to the Commission, and to the Assembly by an Assembly Information Memorandum requiring no further action, on the progress of neighborhood or district plans underway.
2. *Work Program.* Following the Initiation Meeting, the sponsor shall prepare a Work Program which shall be submitted to the Department for approval. The Work Program shall include a project schedule, a proposed Table of Contents, a proposed public participation plan, and at least three milestones at which times the sponsor shall meet with the Department.
3. *Submission.* Twenty printed copies along with an electronic version of all proposed plans shall be submitted to the Planning Department, 4700 Bragaw Street, Anchorage, Alaska 99507. The submission shall include the name(s) and address(es) of the person(s) designated by the sponsor to be its representative(s) in any discussions of the plan.

**C. Threshold Review and Determination.**

1. *Department Review and Determination.* Within 90 days of the submission of a

plan, the Department shall review the plan and determine whether the plan meets the standards for form, content and for consistency with sound planning, as set forth in subsection D.1. below.

- a. If the Department determines that the plan does meet the threshold

standards of subsection D.1.d., the Department shall distribute the plan for public review and Commission public hearing as described in subsection E.1.

- b. If the Department determines the plan does not meet the threshold standards of subsection D.1., the staff shall provide written notification to the sponsor of all deficiencies with respect to form, content, process and any changes, additions or deletions which, in the opinion of the staff, may correct such deficiencies. The sponsor may indicate its willingness to make such changes, additions, or deletions. Only in such event may the sponsor be permitted to continue with the plan.

- 2. *Coordination of Plan Review.* The Department may determine, despite a finding of appropriate form, content and sound planning policy, a proposed plan should not immediately proceed, due to other municipal planning efforts underway which should be coordinated with the plan. In such a case, the Department shall develop an appropriate timetable for distributing the plan for public review and Commission public hearings.

D. *Standards.*

- 1. *Form and Content.* The form and content of all proposed plans shall be consistent with the following:
  - a. The plan shall state its sponsoring entity or entities and the names of the individuals who participated in the development of the plan.
  - b. A plan shall enhance or implement goals, objectives, policies, and/or strategies of the Comprehensive Plan and provide further detail and specificity. A plan may take the form of a master plan or targeted plan.
    - (1) A master plan for a neighborhood, district, or other geographic area of the municipal-

ity may combine elements related to housing, industrial and commercial uses, transportation, land use regulation, open space, recreation, cultural features, health, economic vitality, community facilities and other infrastructure.

- (2) A targeted plan may consider one or a small number of elements of neighborhood, district, or municipal-wide problems or needs, and shall focus on issues related to the use, development, and improvement of land within the plan study area.
- c. A plan shall not be limited to a single zoning district or a specific parcel in private ownership. A plan shall cover an identifiable, cohesive geographic area or neighborhood.
- d. Plans shall be presented in clear language and coherent form with elements, chapters, or sections organized in logical sequence.
- e. Plans shall state goals, objectives, or purposes clearly and succinctly. Policy statements or recommendations shall contain documentation and explanation of the data, analysis, or rationale underlying each. Plans shall analyze and propose policies to address identified problems.
- f. A plan shall contain, as applicable:
  - (1) Inventories or description and analysis of existing conditions, problems, or needs; projections of future conditions, problems, or needs; and recommended goals and strategies to address those conditions, problems, or needs.
  - (2) Alternatively, or concomitantly with the elements described above, a plan may also contain

a vision for a future end state and a strategy(ies) for achieving it.

The level of detail and analysis shall be appropriate to the goals and recommendations presented in the plan. The information and analysis relied upon to support the recommendations shall be sufficiently identified to facilitate later plan review, including accuracy and validity of the information and analysis. Supporting information may be contained in the form of narrative, maps, charts, tables, technical appendices or the like.

- g. A plan shall contain a land use plan map for the geographic area encompassed by the plan. The land use plan map shall propose appropriate land use categories, which generally include: residential, commercial, industrial, institutional, transportation, community facilities, parks, and natural open space. The land use plan map may provide more specificity than the general categories.
- h. Plans shall be accompanied by documentation showing public participation in the plan formulation and preparation. Public outreach, such as surveys, workshops, hearings, or technical advisory committees, is recommended as a tool for community support and consensus, in addition to Department, Commission, and Assembly approval.

## 2. *Sound Planning Policy.*

- a. All plans, regardless of form and content, shall include discussion of:
  - (1) Its long-range consequences;
  - (2) Impact on economic and housing opportunity for all persons, particularly low- and moderate-income, and persons with disabilities;
  - (3) Provision of future growth and development opportunities;

(4) Ability to improve the physical environment; and

(5) Effect on the geographic distribution of municipal facilities.

- b. A plan shall set forth goals, objectives, purposes, policies, strategies, and/or recommendations within the legal authority of the municipality.
- c. A plan considering issues under the jurisdiction of specific municipal or state agencies shall disclose all agency comments.
- d. A plan shall analyze its relationship to applicable policy documents, including all adopted elements of the Comprehensive Plan, as well as its relationship to adjoining neighborhoods and other areas.
- e. A plan shall solicit input from residents, local businesses, agencies and non-profit organizations local to the neighborhood and demonstrate it has considered these comments on their merits.

## E. *Plan Distribution and Review.*

- 1. *Plan Distribution.* When, pursuant to subsection C.1. above, a plan is ready for public review, the Department shall, within 30 days of its determination, provide copies of the plan simultaneously to all municipal and state agencies with jurisdiction over elements of the plan, and to all Community Councils. The Department shall also make copies available to the general public at City Hall and the Planning and Development Center, and post the plan on the Department website.
- 2. *Public, Agency, and Community Council Review.* Each Community Council may conduct its own review of the plan. Within a period of 120 days following receipt of the plan, the Community Council may provide written recommendation(s) to the Department and the sponsor.  
Members of the public and other municipal or state agencies may provide written comments to the Department during the 120-day review period.

3. *Department Review.* When the Department is not the sponsor of a plan, it shall review the plan during the 120-day review period, and prepare a staff report and recommendation for the Commission. The Department shall consider the neighborhood, community, and municipal-wide impacts and the long-term effects of the actions or policies recommended by the plan. The Department shall also consider the impact of the plan on economic and housing opportunity, future growth and development, and the physical environment, including the consistency of the plan with other adopted plans.

F. *Planning and Zoning Commission Review.*

1. *Schedule for Review.* At the conclusion of the 120-day review period, the Commission shall schedule a public hearing within 60 days following the final day of the public review period.
2. *Public Hearing.* Notice of the public hearing shall be given in accordance with section 21.15.005.
3. *Commission Recommendation.* The Commission shall vote, within 60 days following the close of the public hearing, to recommend approval, approval with modifications, remand to the sponsor, or disapproval of the plan. In reviewing the substance of the plan, the Commission shall consider the neighborhood, community, and municipal-wide impacts and the potential long-term effects from the actions or policies recommended by the plan. The Commission shall consider the impact of the plan on economic and housing opportunity, future growth and development, and the physical environment, including consistency of the plan with other adopted plans, and any other pertinent adopted neighborhood or district plans. Any modifications recommended by the Commission shall be consistent with the standards for form, content and sound planning policy, as set out in subsection D.1. above.

4. *Commission Findings.* The Commission's recommendation shall include findings describing its considerations and providing explanation for its determination. The findings may include recommendations for the implementation of plan elements. The recommendation shall be transmitted to the Assembly for final approval.

G. *Assembly Adoption.*

1. *Transmission to Assembly.* The Commission's recommendation shall be transmitted to the Assembly for introduction within 45 days of the Commission recommendation. The Assembly shall schedule a public hearing not more than 45 days after introduction.
2. *Public Hearing.* Notice of the public hearing shall be provided and the hearing conducted in accordance with chapter 2.30.
3. *Assembly Decision.* Within 45 days of the close of the public hearing, the Assembly shall either:
  - a. adopt the plan;
  - b. adopt the plan with modifications;
  - c. remand the plan to the Commission; or
  - d. not adopt the plan.

If the Assembly adopts the plan with modifications, the modifications shall be consistent with the standards for form, content and sound planning policy, as set out in subsection D.1. above. If the plan is adopted, either as proposed or with modifications, it shall become an element of the Comprehensive Plan as described in section 21.05.030.

H. *Review and Revision.*

1. *Revision of Plans.* A plan shall be reviewed by the Department concurrent with the review of the comprehensive plans as otherwise provided in this title to determine if the plan is consistent with the Comprehensive Plan. If the sponsor shows a major change of circumstances in the neighborhood or district, the sponsor may request a review of the plan before the

end of any ten-year period. Any revisions shall be presented for adoption as an amendment to the plan, in accordance with the procedures set forth herein.

(AO No. 2005-73(S), § 1, 9-27-05)

Chapter 21.07

**DEVELOPMENT AND DESIGN STANDARDS\***

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**\*Editor's note**—AO 2009-56, § 2, AO 2009-114 § 2, and AO 2010-26 § 2 each provisionally adopt sections of chapter 21.07 and identically state: "In keeping with the purposes and intent set forth in AR 2007-83 and AO 2006-172 (as modified by 2007-82), [the provisionally adopted sections] shall not be deemed law of the Municipality nor applied to land use matters until concurrent final passage and approval of all provisionally adopted Title 21 chapters. Repeal of existing municipal code necessary to effectuate such final passage and approval shall be implemented as described by ordinance. The chapter will be published when it becomes effective. Until publication, the aforementioned ordinances may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

## Chapter 21.08

### SUBDIVISION STANDARDS\*

21.08.060 Subdivision agreements.

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**\*Editor's note**—AMC Section 21.08.060 is effective June 12, 2007 and published below, but the cross-references to other sections are modified pending the conclusion of the Title 21 rewrite of the remainder of Chapter 21.08. AO 2007-82 § 4 states: Until the effective date of the remainder of chapter 21.08 as adopted on April 10, 2007, the following references in section 21.08.060 shall be interpreted as follows:

- A. Any reference to section 21.08.050 shall be to chapter 21.85;
- B. Any reference to section 21.08.060D shall be to 21.85.050;
- C. Any reference to section 21.08.060F shall be to 21.85.070;
- D. Any reference to section 21.08.060S shall be to section 21.85.190;
- E. Any reference to table 21.08-3 shall be to chapter 21.85, Table A;
- F. Any reference to table 21.08-4 shall be to chapter 21.85, Table C;
- G. Any reference to table 21.08-5 shall be to chapter 21.85, Table B; and
- H. Any reference to section 21.07.080 shall be to section 21.45.125 and 21.45.200.

The remainder of chapter 21.08 is effective at a future unspecified date when the Assembly adopts and repeals other chapters at the conclusion of the rewrite of Title 21 as stated in AO 2006-172, §§ 3 and 5, 4-10-2007. The chapter will be published when it becomes effective. Until publication, the ordinance may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.



**21.08.060 Subdivision agreements.***A. Agreement required; application; contents.*

1. *Agreement required.* Before a final plat for a subdivision where improvements are required under section 21.08.050 is approved or filed, the subdivider shall enter into a subdivision agreement with the municipality in accordance with this section.
2. *Application.* Application for a subdivision agreement shall be made to the department of project management and engineering. The application shall include a copy of the platting summary of action, 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 engineer's estimate shall be based on the schedule of prices for standard items for private development projects, published by the municipal engineer. The municipality may require a showing of the subdivider's financial responsibility.
3. *Contents.* Except as provided in subsection A.4. below, the subdivision agreement shall include but need not be limited to the following provisions:
  - a. A designation of the public improvements required to be constructed.
  - b. The construction and inspection requirements of the municipality or utility for which the improvements are constructed.
  - c. The time schedule for completing the improvements.
  - d. The guarantee required by subsection 21.08.060E.
  - e. A schedule for any payments required under this section.
  - f. The allocation of costs between the municipality and the subdivider for required public improvements.
  - g. The warranty required by subsection 21.08.060G.
  - h. The consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the municipality.
  - i. A warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement.
  - j. Where the subdivision is within the flood hazard district, a requirement that the subdivider will submit certification of floodproofing, information on the elevation of the lowest habitable floor, and information on the elevation to which the structure is floodproofed, for each building or structure to be constructed as part of the subdivision agreement.
  - k. A provision requiring the subdivider to submit plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, a traffic control plan, and any other pertinent data and information necessary for the municipal engineer to evaluate the proposed installation.
    1. A provision that all designs conform to the Design Criteria Manual, and that all work shall be performed pursuant to the Municipality of Anchorage Standard Specifications.
    - m. A provision that work shall not commence until plans have been approved by the municipal engineer and notice to proceed is given.
4. *Exceptions.* If the subdivider elects to complete and obtain acceptance of all required public improvements before the approval or filing of a final plat for the subdivision, the subdivision agreement need not include the guarantee provisions specified in items 3.c. and d. above.
  - B. *Approval by assembly.* 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 \$30,000.00 or more.

C. *Time limit for completion of improvements.*

1. The municipal engineer shall determine the time duration of the subdivision agreement, which shall not be less than two years nor more than three, based on the size, complexity, and possible phasing of the subdivision. The improvements required under the terms of the subdivision agreement shall be fully completed and accepted for warranty within that time period. However, before the expiration of the subdivision agreement, the subdivider may request a time extension from the municipal engineer. The municipal engineer may grant one subdivision agreement time extension, up to two years in length, upon a showing of good cause by the developer and provided such extension does not unreasonably impact adjacent properties or the general public. The municipal engineer does not have the authority to modify conditions placed by the platting board. The municipal engineer may refer any extension application to the platting board if the project is in default or he or she deems further or more extensive analysis and public comment concerning the continuation of the subdivision agreement may be needed. In considering whether an extension should be granted, the following shall be considered: the manner in which safety hazards, drainage problems, sanding, snow removal, grading, and other matters will be handled during the extension period. Performance conditions may be imposed on the extension to ensure that such matters are adequately handled.
2. Requests for subsequent two-year time extensions require platting board approval. All time extensions shall be conditioned to require provision of an adequate performance guarantee when the existing guarantee is inadequate.

D. *Payment of costs of required improvements outside the Anchorage Roads and Drainage Service Area.*

1. Outside of the Anchorage Roads and Drainage Service Area, the subdivider/develop-

oper shall pay 100 percent of all costs associated with construction, including but not limited to design, engineering, project administration and inspection, testing, surveillance, related bank fees and interest payments, fair market value of right-of-way, as well as all work, labor, and materials furnished for the construction of required improvements. The exception shall be those utilities whose tariffs provide cost participation.

2. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000.00 during the term of the agreement. Policies written on a "claims-made" basis must have a two-year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

E. *Payment of costs of required improvements inside the Anchorage Roads and Drainage Service Area.* 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 follows:

1. *Administrative and recording costs relating to public improvement guaranties.* The subdivider shall pay 100 percent of all costs incurred in supplying and administering any method of public improvement guarantee provided for in subsection 21.08.060.
2. *Inspection, surveillance, and testing.*
  - a. The subdivider shall pay 100 percent of all costs relating to any inspection, surveillance, and testing by the municipality, necessary for

warranty 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.

- b. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000.00 during the term of the agreement. Policies written on a "claims-made" basis must have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.
3. *Administration of agreement.* The subdivider shall pay 100 percent of all costs of plan review, agreement administration, and attendant costs.
4. *Arterial and collector streets.* Reasonable costs incurred in the construction of a street designated on the Official Streets and Highways Plan (OSHP) as a collector, arterial, or greater shall be apportioned as specified in subsections E.4.a. through d. below. For purposes of this subsection, construction costs means only those costs associated with construction, design engineering, project administration and inspection, related bank fees and interest payments, and fair market value of right-of-way dedicated to the street in excess of 70 feet.
  - a. *Interior collector streets.* If a collector street lies within the subdivision, the municipality shall reimburse the subdivider a sum equal to the reasonable construction cost of building to the standard specified by the platting authority, less the estimated

cost of construction in accordance with the residential standard approved by the platting authority under tables 21.08-3 and 21.08-5, provided that:

- i. When the subdivision agreement is executed:
    - (A) The street is programmed for improvement to the designated standard in the six-year capital improvement program; and
    - (B) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year; or
  - ii. When the preliminary plat of the subdivision is approved:
    - (A) Construction to the designated standard is required by the platting authority;
    - (B) Improvement to the designated standard is programmed in the six-year capital improvement program; and
    - (C) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year.
- If the conditions set forth in subsections 4.a.i. or ii. are not met at the time specified, then the total cost of construction required by the platting authority shall be borne by the subdivider.
- b. *Interior arterial streets.* If an interior arterial or greater street is required to be constructed to arterial standards by the platting authority, the municipality shall reimburse the subdivider 100 percent of the reason-

able construction cost subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall bear 100 percent of the construction cost.

- c. *Peripheral streets.* If the subdivider is required to construct an abutting collector street, the municipality shall reimburse a sum equal to the reasonable construction cost of the standards specified by the platting authority less the estimated cost of construction in accordance with the residential standards under table 21.08-4, subject to the conditions specified in subsection 4.a. above. If a subdivider is required to construct an abutting arterial or greater street to arterial or greater standards, the municipality shall reimburse in a manner and subject to the conditions set forth in subsection b. above. If the subdivider is not required to construct an abutting street to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050F. and shall pay 100 percent of the cost of construction.
- d. *Access streets.* If the platting authority requires the construction of an access street under the authority of subsection 21.08.050D. that is designated as a collector, arterial, or greater, the municipality shall reimburse a sum equal to the reasonable construction cost of the standard specified by the platting authority less the estimated construction cost in accordance with the residential standards under table 21.08-4, subject to the availability of bond funds, state

grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to collector or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall pay 100 percent of the construction costs.

5. *Other streets.* Except as provided in subsection E.4., the subdivider shall pay 100 percent of the cost of streets within the boundaries of the subdivision. The subdivider shall additionally pay 100 percent of the cost of all peripheral streets and access roads except as provided in subsection E.4. of this section whose construction may be required by the municipal engineer. The property within subdivisions that 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:
- The municipality approved the award of the contract which included the work for which the credit is to be issued; and
  - 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 the assessment to that lot.
6. *Curbs, sidewalks, and walkways adjacent to streets.* The subdivider shall pay the cost of constructing curbs, and sidewalks and walkways adjacent to streets, in the

same manner as the cost of constructing the streets to which they are adjacent as provided in subsections E.4. and 5.

7. *Sidewalks and walkways not adjacent to streets.* The subdivider shall pay 100 percent of the cost of constructing all sidewalks and walkways not adjacent to streets.
  8. *Storm drains, inlets, and manholes.* The subdivider shall pay 100 percent 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.
  9. *Water improvements.* If the subdivision is to receive water service from a public utility, the subdivider shall provide water facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the utility. If the subdivision is to receive water service from a community water system, the subdivider shall provide water facilities, including service connections to all lots, and pay 100 percent of the cost of those facilities.
  10. *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.
  11. *Electrical and telecommunication facilities.* The subdivider shall provide electrical and telecommunication facilities with cost participation as provided in the current approved tariffs of the applicable utility companies.
  12. *Deferred utilities.* When paved street or sidewalk improvements are installed prior to placement of traffic control devices and electrical and telecommunication cable placement, the subdivider shall, at appropriate crossings as directed by the municipality, provide any necessary underground conduit consistent with conduit size, type, and installations standards provided by the utility.
  13. *Street lighting.* The subdivider shall pay the cost of street lighting apparatus in the same manner as the cost of constructing the streets to which it is adjacent as provided in subsections E.4. and 5.
  14. *Traffic control devices.* The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic control devices, except electric-operated traffic signals, shall be installed prior to any structure being occupied in the subdivision.
  15. *Landscaping.* The subdivider is responsible for required landscaping as stated in subsection 21.08.050S. Landscaping shall meet the standards of section 21.07.080, Landscaping, Screening, and Fences.
- F. *Subsequent development reimbursement.* Reserved.
- G. *Guarantee of completion of improvements required; amount; methods.*
1. *Guarantee required.* To ensure the installation of required public improvements that 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 in this section. The means of a guarantee may be changed during the guarantee period upon approval by the municipal engineer. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until warranty acceptance of the public improvements and the posting of an acceptable security for the warranty period.
  2. *Cost estimate; overrun allowance.* The engineer's cost estimate shall state the

estimated cost of completion for each required public improvement. Cost estimates for each required public improvement must be approved by the department of project management and engineering. 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:

TABLE 21.08-9: PERCENT FOR OVERRUN ALLOWANCE	
Total Estimated Cost of Improvements	Percent for Overrun Allowance
\$0.00—\$500,000.00	20
\$500,000.00—\$1,000,000.00	15
\$1,000,000.00 and over	10

3. *Methods.* The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

a. *Performance bond.* The subdivider may elect to provide a surety bond from a company authorized to do such business in the state. The bond shall be in a form acceptable to the municipal attorney and in an amount equal to the estimated cost of all required public improvements, plus an overrun allowance as provided in subsection G.2. above. The bond shall be payable to the municipality if 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 or a contractor obligated by written contract to the subdivider for construction of all the required public improvements. In the event a contractor posts the bond, the subdivider and the municipality may be dual obligees under mutually agreed terms.

b. *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 in subsection G.2. above, either with the municipality or in escrow with a responsible financial institution authorized to do such business in the state. In the case of an escrow account, the subdivider shall file with the municipality an escrow agreement that includes the following terms:

i. 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.

ii. 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.

c. *Letter of credit.* The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state an irrevocable letter of credit. Such letter shall be filed with the municipality and shall certify the following:

i. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection G.2. above, for the completion of all such improvements; and

ii. 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.

#### H. Release of guarantee of improvements.

1. Inspection will be made by the municipality prior to acceptance of the improvements for warranty. The municipality shall have 14 days, to complete the inspection and provide a list of deficiencies, except that the municipal engineer may extend the 14-day period for unusual circumstances such as extreme weather. The 14-day period shall begin on the day the municipality receives written notice from the subdivider that his or her comprehensive inspection has confirmed that construction of all required improvements is complete, all applicable subdivision agreement requirements are fulfilled, and the project is ready for municipal inspection.
2. When all listed deficiencies have been corrected, the subdivider shall notify the municipality in writing and the municipality shall perform a final inspection of the listed deficiencies within seven days of receiving the notification, except that the municipal engineer may extend the seven-day period for unusual circumstances such as extreme weather. If the final inspection reveals uncorrected listed deficiencies, this procedure shall be repeated.
3. The municipality shall release the obligation for performance guarantees upon the acceptance of the improvements for warranty, together with the posting of adequate security for warranty.
4. The municipality may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any public improvement or warranty covered by the subdivision agreement.

#### I. *Improvement warranty.*

1. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for two years, commencing with warranty acceptance of each public improvement when it is completed. Such warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the subdivision agreement. If the municipal engineer deems appropriate, extensive repairs or modifications made during the warranty period may extend the duration of the warranty period for those repairs or modifications only. 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 AMC chapter 24.80, pertaining to miscellaneous use provisions.
2. To secure the warranty:
  - a. The guarantee of performance provided for in subsection G. shall remain in effect until the end of the warranty period. If the guarantee is a performance bond posted by a contractor, the bond cannot secure the warranty unless the subdivider and contractor, by written agreement, elected this option at the time the performance bond was posted; or
  - b. 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 in this subsection. This security shall guarantee the payment of any reconstruction or repair costs that 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.

TABLE 21.08-10: PERCENT TO SECURE WARRANTY	
Total Construction Cost	Percent to Secure Warranty
\$0.00—\$500,000.00	10
\$500,000.00—\$1,000,000.00	7½
\$1,000,000.00 and higher	5

*J. Correction of deficiencies under warranty.* Within 30 days, or a reasonable extension at the sole discretion of the municipal engineer, 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 in this section, 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 and associated administrative costs, or declare the bond or deposit forfeited.

*K. End of warranty period.*

1. The municipality shall inspect the required improvements and provide a list of deficiencies to the subdivider no later than 30 days before the end of the warranty period, except that the municipal engineer may extend this time due to inappropriate weather or other conditions that impede complete inspection.
2. All deficiencies identified in the warranty period shall be corrected, inspected, and approved within 30 days, except that the municipal engineer may extend the 30-day period for unusual circumstances or inappropriate weather. The municipality is under no obligation to release any remaining security if the subdivider fails to correct any identified deficiencies.
3. Upon final acceptance, the municipality will release the remaining security within 90 days.

4. If the municipality does not timely inspect and provide a report as required in K.1. above, the warranty period ends.

*L. Default.* If 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 a 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. All funds received by the municipality shall be used for any construction, repair, or reconstruction necessary to ensure that:

1. All required public improvements are built to specifications necessary to receive warranty acceptance; and
2. 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 warranty acceptance of the work. Following either: (1) the warranty acceptance of all public improvements and posting of the warranty security, or (2) final acceptance, or (3) the three-year period provided for in this subsection, the municipality shall pay to the subdivider all guarantee funds which were not used or obligated for the completion of the improvements.

*M. Agency coordination.* Upon receipt of notification of violation or concern by municipal departments or outside agencies, the municipal engineer may suspend approval on work authorized through the subdivision agreement until such time that the issue is resolved.

*N. Standards may not be altered; enforcement of chapter.* 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 No. 2006-172, § 3; AO No. 2007-82, §§ 1, 2, 6-12-07)

Chapter 21.09

**GIRDWOOD LAND USE REGULATIONS**

21.09.010	Purpose.
21.09.020	Application of Chapter 21.09.
21.09.030	Administration and review procedures.
21.09.040	Zoning districts.
21.09.050	Use regulations.
21.09.060	Dimensional standards.
21.09.070	Site development and design standards.
21.09.080	Building design standards.
21.09.090	Zoning maps.

**21.09.010 Purpose.**

The purposes of this chapter 21.09 are to provide standards and regulations to implement the comprehensive plan elements for Girdwood, preserve and enhance the distinctive mountain-resort character and natural environment of the Girdwood area, and avoid overlap with standards and regulations applicable in other districts of the municipality.

(AO No. 2005-81(S), § 1, 11-1-05)

**21.09.020 Application of Chapter 21.09**

**A. Applicability.** These regulations and standards shall apply only to the Girdwood area of the municipality as further delineated below.

**B. Relationship to other Title 21 provisions.** To the extent any provision in this chapter conflict with other provisions of Title 21, the provisions of this chapter shall govern. If certain provisions overlap but are not in conflict, then the provisions of this chapter shall be considered to supplement Title 21 requirements and are additional requirements.

**C. Girdwood defined.** This chapter applies to, and the term Girdwood in this chapter refers to, the land in Girdwood Valley shown on the Girdwood map in section 21.09.020D, and having the following real property description:

Those lands lying within the boundary of the Municipality of Anchorage, within the Anchorage Recording District, Third Judicial District, State of Alaska; including all private, municipal and state land and those lands under state selection in Chugach National Forest; more particularly described as follows:

1. *Township 10 North, Range 2 East, Seward Meridian, Alaska:*
  - a. All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 15, 16, 17, 19, 20, 21, 28, 29, 30, 32, 33;
  - b. All of Sections 5, 7, 8, 18, excluding Chugach State Park;
  - c. W2 of Section 14; and
  - d. N2N2 of Section 22.

2. *Township 10 North, Range 3 East, Seward Meridian, Alaska:*

- a. All of Section 5, excluding the NE4 within Chugach National Forest;
- b. All of Section 6;
- c. All of Section 7, excluding the SE4 within Chugach National Forest;
- d. NW4 of Section 8;
- e. N2NW4 of Section 18.

3. *Township 11 North, Range 3 East, Seward Meridian, Alaska:*

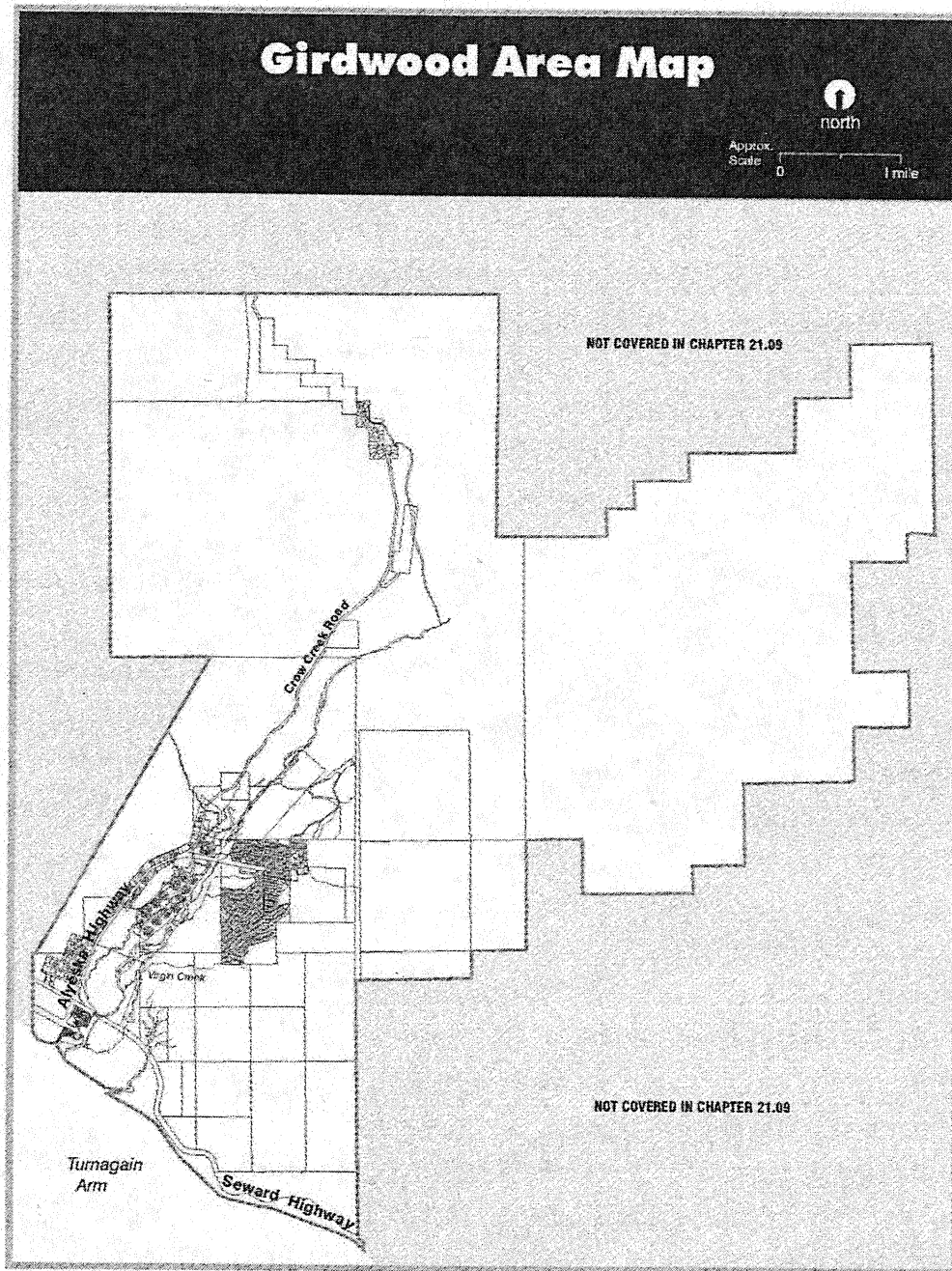
- a. All of Sections 29, 31;
- b. SE4 of Sections 20, 30;
- c. W2SW4 of Section 21;
- d. W2W2 of Section 28;
- e. NE4 of Section 32;
- f. NW4NW4 of Section 33.

4. *Township 11 North, Range 2 East, Seward Meridian, Alaska:*

- a. All of Sections 20, 21, 22, 27, 28, 29, 32, 33, 34;
- b. E2E2 of Sections 19, 30, 31;
- c. W2W2 of Sections 23, 26;
- d. All of Section 35, excluding the N2NE4 and NE4NW4 within Chugach National Forest;
- e. All of Section 36, excluding the NW4NW4 within Chugach National Forest;
- f. Excluding all lands within the boundaries of Chugach State Park and non-state-selected lands with Chugach National Forest.

**D. Nonconformity determinations.** Nonconformity determination fees relating to property in Girdwood that has become nonconforming with the adoption of this chapter shall be waived for one year after January 1, 2006.

E. Chapter 21.09 Area map



21.09 Area Map

(AO No. 2005-81(S), § 1, 11-1-05)

### 21.09.030 Administration and review procedures.

A. *Title 21 administrative provisions and procedures apply.* Except as provided specifically in this chapter, all development in Girdwood shall be subject to and reviewed pursuant to the generally applicable administrative and review procedures set forth in Chapters 21.10, Boards and Commissions; Administrative Officers; 21.15, Variances, Conditional Uses, Subdivision Approval and Other Special Land Use Permits; and 21.20, Zoning Map Amendments.

B. *Pre-application meetings.* A pre-application meeting with the director is required for all applications for rezonings, subdivisions, conditional uses, and master plans, unless waived by the director.

C. *Use area and use district boundaries to be established during the master planning process.* Where specific boundary lines need to be established between lands in different ownerships, or lands within the same ownership with different land uses as defined by a master plan, the Girdwood Area Plan, or the Table of Allowed Uses in this chapter, and no adequate boundaries exist to serve this purpose, the boundaries shall be defined as outlined below. These steps make explicit the intent of a boundary line (for example, to correspond with a stream setback). By clearly defining the intent of these boundaries, the lines may be correctly located during subsequent field surveys. These steps are particularly important in the delineation of areas to remain in the open space district.

1. The master plan process is used to identify the basis for boundaries separating land uses and lands in different ownerships (e.g., boundary between lands to remain in public ownership and lands sold for development). This includes both defining boundaries within the overall master plan area, and refining the external boundaries of the master plan area, particularly important where external boundaries are based on generalized environmental data associated with the Girdwood Area Plan.

2. Boundaries shall be based on at least one of the references listed below, suitable for final determination of the boundary at such time as subdivision and the associated survey occurs.
  - a. A surveyed or otherwise readily observed geographic reference point or line (such as a public street, property line or boundary, centerline of a stream channel, etc.);
  - b. A describable environmental condition (such as change in vegetative cover type or slope); or
  - c. A land use objective, including those adopted in the Girdwood Area Plan (such as the boundary between an area of low and moderate density residential use, controlled in large part by the total number of residential uses allowed within the master plan area).
3. The master plan process is an appropriate tool to refine the external boundaries of land use districts set by the Girdwood Area Plan. In making these refinements, the total amount of land intended for the open space district shall not be less than the Girdwood Area Plan Open Space acreage identified within the particular area covered by a specific, single master plan. However the boundaries with the adjoining open space may be shifted to create a more efficient and logical land use pattern.  
  
This tool does not preclude requesting a zoning map amendment for a change of use (see chapter 21.20) over a larger area than may be accommodated through the boundary refinement process.
4. The written and mapped description of boundaries of all applicable land use districts shall be determined by master plan analyses and shall be included in the materials submitted as part of the master plan. These boundaries shall not be modified substantially at the time of subsequent development review without a show

of cause by the applicant, and following review and approval by the approving agency.

D. *Minor modifications for site constraints.* It is the intent of this subsection to allow special consideration to those lots adversely affected by their existing conditions and/or the setbacks set forth in this subsection. The director is authorized to consider and grant the following minor modifications:

1. *Physical features.* If, on lots  $\leq 15,000$  square feet in the residential, commercial, and resort districts, or on lots less than 80 feet wide in residential districts, site constraints, such as stands of mature trees, rock outcroppings, slopes over 30 percent, wetlands, highway setbacks, or other permanent obstacles, are present within the building envelope defined by the setbacks, the building envelope may be shifted on the lot by reducing the rear setback to a minimum of ten feet, and the

side setback to a minimum of five feet on one side, but the total area of the building envelope shall remain the same. However, the front setback shall not be reduced.

2. *Lot shape, residential districts.* For wedge-shaped lots  $\leq 15,000$  square feet, if the difference in lot width is greater than 20 feet from front to back, the ten-foot side setback in section 21.09.060A.1. shall apply in the wider half of the lot. In the narrower half of the lot, the side setback shall be five feet. For purposes of this subsection, the boundary between the two halves of the lot shall be determined by locating a line midway between the front and rear lot boundaries. The five-foot setback in the front half of the lot shall transition into the ten-foot setback in the rear half of the lot as shown in Figure 21.09-1. This provision supercedes the Side and Rear Setback Flexibility in Note [2] of Table 21.09.060-1.

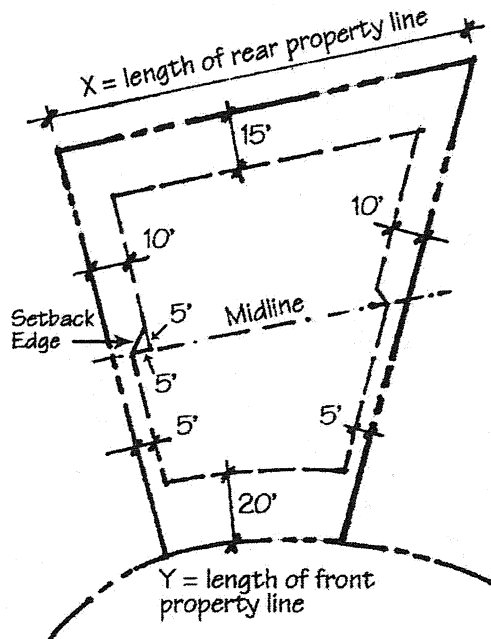


Figure 21.09-1: Wedge-shaped Lots

Side Setbacks for Wedge-Shaped Lots  
When  $X - Y =$  more than 20 feet

Wedge-Shaped Lots

3. *Narrow lots, commercial districts.* On narrow lots, where side setbacks result in a building envelope width of less than 25 feet, the building envelope may be expanded into one or more side setback(s), as needed to provide a 25-foot wide building envelope, but a side setback(s) shall not be reduced to less than five feet, except as provided in the dimensional standards in Table 21.09.060-2, nor shall the adjusted building envelope width be greater than 25 feet.
4. *Corner lots, commercial districts.* On corner lots where the secondary front setback reduces the building envelope to less than 25 feet in width, the secondary front setback may be reduced to no less than equal to the side yard setback requirement for the district, as needed to increase the building envelope to no more than 25 feet wide.

E. *Area master planning.*

1. *Purpose.* An area master plan is intended to facilitate the planned development of large tracts of land under unified ownership or control, prior to subdivision or development of entire tracts or parcels within large tracts, in order to provide for land use compatibility and development responding to site-specific environmental constraints and opportunities. The area master plan shall establish the general arrangement of land uses, circulation and infrastructure systems for the identified development areas.
2. *Applicability.*
  - a. *Mandatory: Girdwood.* An area master plan review is required prior to development in any of the following Girdwood zoning districts: gR-3, gC-5, GRST-2, GCR-1, GCR-2, GCR-3, GDR, GRR.
  - b. *Optional.* In addition to the criteria listed above, any other area in joint or single ownership may opt to use the area master plan process on a voluntary basis.

3. *Procedures.*

- a. *Pre-application conference.* Before filing an application, an applicant shall request a pre-application conference with the director.
- b. *Community meeting.* A community meeting may be required.
- c. *Initiation.* An application for approval of an area master plan shall be initiated by the owner of the property.
- d. *Application filing.* Applications for approval of an area master plan shall be submitted to the director and shall contain all information and supporting materials specified in subsection e., below.
- e. *Submittal requirements.* Submittal requirements are set out below, and shall be in either narrative or illustrative form. The director may waive submittal requirements not relevant to the proposed area master plan. The planning and zoning commission and/or the director may require the submission of other information as may be necessary for the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection 4., below.
  - i. The legal description, boundaries, and acreage of the petition area, and an explanation of boundary delineation, pursuant to subsection 21.09.030C, if applicable;
  - ii. The present land use classification of the petition area and abutting property;
  - iii. The current use, if any, of the petition area and abutting property, including roads, utilities, drainage systems, trails, parks, parking areas, and any structures;

- iv. The general topography of the petition area (contours lines shall be shown at intervals of ten feet or less), including any unique natural or historical features. Mapping shall be at a scale of one inch equals 200 feet, or less;
  - v. A general description of the existing vegetation, soils, and habitat in the petition area;
  - vi. The location of streams, waterbodies, wetlands, drainage courses, and flood plains;
  - vii. The planning objectives and design considerations used to determine the use and configuration of the proposed development;
  - viii. A conceptual site plan showing the various existing and proposed types of land uses, depicting the relationship to each other and to surrounding uses, proposed acreage, character, and densities/intensity of development for each type of use, and proposed open spaces. The site plan shall be in the form of a "bubble map" locating these "development areas" and other required elements in an approximate fashion;
  - ix. A general description of the traffic and pedestrian circulation system proposed for the petition area, showing connections between land uses, neighborhoods, and proposed public schools, parks, open space areas, and trails/bikeways;
  - x. A traffic study to determine the impacts of the proposed development on the transportation system;
  - xi. A general description of the utility system layout;
  - xii. An explanation of any unique features of the proposed development;
  - xiii. An analysis of offsite impacts to utilities and public services, including schools and fire and police services;
  - xiv. A detailed discussion of conformance with the Girdwood Area Plan, the Girdwood Commercial Areas and Transportation Master Plan, the Areawide Trails Plan, and other applicable Girdwood area planning documents;
  - xv. A general development schedule and phasing plan, if any, and approximate date for commencement of construction; and
  - xvi. If the petition area contains wetlands designated in the Anchorage Wetlands Management Plan, the applicant shall submit:
    - (A) A wetlands delineation study based on the evaluation techniques contained in the Corp of Engineers Wetlands Delineation Manual;
    - (B) Hydrologic information specifying the quality, amount and direction of flow of surface and subsurface water, as well as information on the drainage impacts of the development on adjacent property;
    - (C) Vegetation information indicating the distribution of wetland, coniferous and deciduous species; and
    - (D) Habitat information on the type, number, and species of animals, including birds.
- f. *Director review, report, and recommendation.* The director shall re-



- view the proposed area master plan in light of the approval criteria of subsection 4., below, and shall distribute the application to other reviewers as necessary. Based on the results of the reviews, the director shall provide a report and recommendation to the planning and zoning commission.
- g. *Public hearing.* Published, written, and posted notice of public hearings on area master plans shall be provided in accordance with section 21.15.005.
  - h. *Review and action by planning and zoning commission.* The planning and zoning commission shall hold a public hearing on the proposed area master plan and, at the close of the hearing, act to approve the plan as submitted, approve the plan subject to conditions or modifications, remand the plan to the applicant for modifications, or deny the plan, based on the approval criteria of subsection 4., below.
4. *Approval criteria.* An area master plan may be approved if the planning and zoning commission finds all of the following criteria have been met:
    - a. The area master plan substantially conforms to the principles and objectives of the Girdwood Area Plan, any approved neighborhood, district, or area plans, and the general purposes of this chapter as stated in section 21.09.010;
    - b. The streets, roads, and other transportation elements are in conformance with applicable transportation plans;
    - c. The development has no substantial adverse fiscal impact on the municipality;
    - d. The development provides significant community benefits in terms of design, community facilities, open space, and other community amenities;
  - e. The development is compatible with the character of the surrounding area and minimizes any potential adverse impacts to surrounding areas to the maximum extent feasible; and
  - f. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in surrounding areas.
5. *Effect of area master plan approval.* No development rights are granted by the approval of an area master plan. An approved area master plan allows the applicant to file applications for development within the plan area including, but not limited to, site plans, conditional use permits, or preliminary subdivision plans. An approved area master plan also creates a presumption that design density, uses, and site layout set forth in the plan are acceptable to the municipality, subject to further review and application of relevant regulations in the review of subsequent applications. However, approval of the area master plan shall not guarantee such density and uses are attainable.
  6. *Modification of area master plan approval.*
    - a. *Modification without public hearing.* By request of the applicant or subsequent landowner, an approved area master plan may be modified by the planning and zoning commission, without a public hearing, if the modification proposes:
      - i. A change to the development schedule or phasing plan of not more than seven years (applicable only if a development master plan is not also required);

- ii. Changes of ten percent or less to the number of dwelling units or the total combined floor area of commercial and industrial uses;
  - iii. A shift between development areas of ten percent or less of the number of dwelling units or the total combined floor area of commercial and industrial uses;
  - iv. A change to the acreage of any development area of ten percent or less; or
  - v. A change the planning and zoning commission determines does not change the impacts on the surrounding neighborhood and public infrastructure and services.
- b. *Modification with public hearing.* By request of the applicant or subsequent landowner, an approved area master plan may be modified by the planning and zoning commission, only after a public hearing, if the modification proposes:
- i. A change to the development schedule or phasing plan of more than seven years (applicable only if a development master plan is not also required);
  - ii. A reduction of acreage of open space;
  - iii. Changes to the number of dwelling units or the total combined floor area of commercial and industrial uses of more than ten percent but less than 25 percent;
  - iv. A shift between development areas of more than ten percent but less than 25 percent of the number of dwelling units or the total combined floor area of commercial and industrial uses;
  - v. A change to the acreage of any development area of more than ten percent but less than 25 percent;
  - vi. A change to any conditions of approval imposed by the planning and zoning commission at the time of area master plan approval; or
  - vii. A change the planning and zoning commission determines changes the type and/or amount of impact on the surrounding neighborhood and public infrastructure and services.
- c. *New application required.* The planning and zoning commission shall not consider an application for modification of an area master plan, and the applicant shall be directed to file a new application for area master plan approval, if the modification proposes:
- i. Changes to the number of dwelling units or the total combined floor area of commercial and industrial uses of 25 percent or more;
  - ii. A shift between development areas of 25 percent or more of the number of dwelling units or the total combined floor area of commercial and industrial uses;
  - iii. A change to the acreage of any development area of 25 percent or more; or
  - iv. A change the planning and zoning commission determines substantially changes the types of uses, the intensity of use, or the area of the area master plan.
7. *Abandonment of area master plan.* An area master plan approval shall expire if:
- a. Implementation of the area master plan schedule is delayed for more than seven years without a request for a schedule modification as outlined in subsections 21.09.030E.6.a. or .030E.6.b. (applicable only if a development master plan is not also required); or

- b. The property owner notifies the planning and zoning commission of the abandonment of the area master plan approval.

F. *Development master planning.*

1. *Purpose.* A development master plan is intended to shape and manage future growth of a site and provide certainty to the community by stating a clearly articulated vision for the character, layout, and design of the development of the site. At a minimum, the development master plan shall establish specific circulation systems; specific land uses; site dimensional, design, and development standards; and building design standards for the identified development areas. The intent of this process is for master planned areas to result in development meeting or exceeding the standards of this chapter, reflecting the character of Girdwood and the purposes of this chapter and Title 21.
2. *Applicability.*
  - a. *Mandatory: Girdwood.* An approved development master plan is required prior to development in any of the following Girdwood zoning districts: gC-1, GRST-1, GRST-2; GCR-1, GCR-2, GCR-3.
  - b. *Optional.* A development master plan may be developed through this process for any multi-building development within the municipality.
3. *Procedures.*
  - a. *Pre-application conference.* Before filing and application, an applicant shall request a pre-application conference with the director.
  - b. *Community meeting.* A community meeting may be required.
  - c. *Initiation.* An application for approval of a development master plan shall be initiated by the owner of the subject property.
  - d. *Application.* Applications for approval of a development master plan shall

be submitted to the director and shall contain all information and supporting materials specified in subsection e., below.

- e. *Submittal requirements.* The design standards proposed in the development master plan may differ from the standards of sections 21.09.060, 070, and 080, but shall meet or exceed those standards, as described in subsection 4.g., below.

Submittal requirements are listed below and shall be in either narrative or illustrative form. The director may waive submittal requirements not relevant to the proposed development. The planning and zoning commission and/or the director may require the submission of other information as necessary for the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection 4., below.

- i. The legal description, acreage, and boundaries of the proposed petition area, an explanation of boundary delineation, pursuant to subsection 21.09.030C, if applicable, and a depiction of the area surrounding the petition area;
- ii. A site plan of any existing development, including buildings, roads, utilities, drainage systems, trails, and a general description of existing vegetation;
- iii. The topography of the petition area, with contours lines shown at intervals of four feet or less, including any unique natural or historical features;
- iv. The location of existing streams, waterbodies, wetlands, drainage courses, and flood plains;
- v. A grading plan;
- vi. A proposed site plan, showing roads, trails, building locations

- and uses, parking areas, open space, and any other proposed development. The site plan shall include the total number and type of dwelling units, and the total combined floor area of commercial and industrial uses;
- vii. A landscape plan, including vegetation retention areas;
  - viii. Floor plans, building elevations, and renderings for all buildings;
  - ix. Road cross-sections;
  - x. Details of any other development proposed; and
  - xi. An implementation schedule.
- f. *Director review, report, and recommendation.* The director shall review the proposed development master plan in light of the approval criteria of subsection 4., below, and shall distribute the application to other reviewers as necessary. Based on the results of the reviews, the director shall provide a report and recommendation to the planning and zoning commission.
  - g. *Public hearing.* Published, written, and posted notice of public hearings on development master plans shall be provided in accordance with section 21.15.005.
  - h. *Review and action by planning and zoning commission.* The planning and zoning commission shall hold a public hearing on the proposed development master plan and, at the close of the hearing, act to approve the plan as submitted, approve the plan subject to conditions or modifications, remand the plan to the applicant for modifications, or deny the plan, based on the approval criteria of subsection 4., below.
4. *Approval criteria.* A development master plan may be approved if the planning and zoning commission finds all of the following criteria have been met:
    - a. The development master plan substantially conforms to the principles and objectives of the Girdwood Area Plan, any approved neighborhood, district, or area plans, and the general purposes of this chapter, as stated in section 21.09.010;
    - b. The streets, roads, and other transportation elements are in conformance with applicable transportation plans;
    - c. The development has no substantial adverse fiscal impact on the municipality;
    - d. The development provides significant community benefits in terms of design, community facilities, open space, and other community amenities;
    - e. The development minimizes any potential adverse impacts to surrounding residential areas to the maximum extent feasible;
    - f. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property at the proposed level of development, while maintaining sufficient levels of service to existing and anticipated development in the surrounding areas;
    - g. The design standards are equivalent to or exceed the generally applicable development standards of sections 21.09.060, .070, and .080, and result in high-quality, environmentally sensitive development in keeping with the Girdwood Area Plan, the intent of this chapter, and the character of Girdwood.
  5. *Modification of development master plan.* The planning and zoning commission shall determine whether a proposed modifica-

tion to an approved development master plan may be approved without a public hearing, may be approved with a public hearing, or is significant enough to require a new development master plan. Dimensional variation(s) from an adopted development master plan standard shall only be allowed if approved as a modification of the development master plan by the Commission through this process, and not through a variance process.

6. *Abandonment of development master plan.* A development master plan approval shall expire if:
  - a. Implementation of the development master plan schedule is delayed for more than seven years without a request for a schedule modification as outlined in section 21.09.030F.5.; or

- b. The property owner notifies the planning and zoning commission of the abandonment of the development master plan.

(AO No. 2005-81(S), § 1, 11-1-05; AO No. 2009-48, § 1, 4-28-09)

**21.09.040 Zoning districts.**

This section establishes the zoning districts and contains basic information pertaining to zoning districts, primarily general descriptions and district-specific regulations. The following sections 21.09.050 through 21.09.080 set forth the uses allowed within the districts and the dimensional, development, and design standards applying to development in the districts.

*A. Zoning districts established.* Girdwood is divided into the following zoning districts:

<b>TABLE 21.09.040-1: GIRDWOOD ZONING DISTRICTS ESTABLISHED</b>		
District Type	District Name	District Description
Residential Districts	gR-1	Alyeska Highway Mixed Residential
	gR-2	Single-Family/Two-Family Residential
	gR-2A	Single-Family/Two-Family Residential (Crow Creek Road)
	gR-3	Single-Family/Two-Family Residential
	gR-4	Multiple-Family Residential
	gR-5	Multiple-Family Residential
Commercial Districts	gC-1	Seward Highway/Alyeska Highway Commercial
	gC-2	Girdwood Station/Seward Highway Commercial
	gC-3	Old Townsite Commercial/Residential
	gC-4	Lower Alyeska Highway Commercial
	gC-5	New Townsite South Commercial
	gC-6	Crow Creek Road Commercial/Residential
	gC-7	Townsite Square Commercial
	gC-8	New Townsite North Commercial
	gC-9	East Hightower Commercial/Residential
	gC-10	Upper Alyeska Highway Commercial
Industrial Districts	gI-1	Ruane Road Industrial
	gI-2	Upper Crow Creek Industrial
Resort Use Districts	GRST-1	Original Mountain Base Resort
	GRST-2	New Base Resort

TABLE 21.09.040-1: GIRDWOOD ZONING DISTRICTS ESTABLISHED		
District Type	District Name	District Description
Other Districts	GA	Girdwood Airport
	GOS	Girdwood Open Space
	GIP	Girdwood institutions and Parks
	GCR-1	Commercial Recreation (Golf Course/Nordic Ski Course)
	GCR-2	Commercial Recreation (Glacier — Winner Creek)
	GCR-3	Commercial Recreation (Crow Creek Historic Mine)
	GDR	Development Reserve
	GRR	Recreation Reserve
	GW	Girdwood Watershed

B. *Residential Districts.*

1. *General description.* There are six residential districts in Girdwood. The residential districts primarily permit the development of residential dwelling units of various intensities, although some also permit the development of overnight lodging, child care, religious assembly, community buildings and uses, noncommercial parks, private academic schools and utility facilities. Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.

2. *Districts.*

- a. gR-1 (Alyeska Highway Mixed Residential) District.

- i. *Location.* The gR-1 district is located in two sections along Alyeska Highway from just north of the railroad to just past the junction with Crow Creek Road and encompasses already-sewered, established and largely developed residential neighborhoods characterized generally by single-family detached and two-family development.
- ii. *Intent.* The intent of this district is to continue the existing pattern of development as dwelling units are constructed on

the remaining undeveloped lots, and to permit development of hostels, inns and multiple-family housing.

- b. *gR-2 (Single-Family/Two-Family Residential) District.*

- i. *Location.* The gR-2 district is located in the following three areas:

- (A) The Mine Roads area west of Alyeska Highway, just north of the railroad;
- (B) South of Alyeska Highway, west of Timberline Drive; and
- (C) Alyeska Basin Subdivision, lying north and south of Alyeska Highway, at the base of Mt. Alyeska.

- ii. *Intent.* These are established and largely developed residential neighborhoods characterized by single-family detached and two-family development. The intent is to allow development to continue in a manner consistent and compatible with existing development patterns.
- iii. *District-specific standards.* Non-residential uses may be allowed as provided in Table

- 21.09.050-1, but shall be allowed only on central sewer, not septic systems.
- c. *gR-2A (Single-Family/Two-Family Residential—Crow Creek Road) District.*
- i. *Location.* The gR-2A district is located on both sides of Upper Crow Creek Road in Crow Creek Valley, just south of the Girdwood Mine.
  - ii. *Intent.* This area consists of an established, sparsely-developed residential neighborhood characterized by single-family detached development. The intent of this district is to allow development to continue in a manner consistent and compatible with existing development patterns.
  - iii. *Federal patents to mineral estate and valid state and federal mining claims.* The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.
  - iv. *District-specific standards.* In spite of section 3.a. below, commercial vehicles, shipping containers, construction equipment, and the like may be stored outdoors in this district.
- d. *gR-3 (Single-Family/Two-Family Residential) District.*
- i. *Location.* Discrete areas of the gR-3 district are located in the following areas:
    - (A) West of Alyeska Highway, west of the gR-1 district and west of the Mine Roads portion of the gR-2 district; and
    - (B) Both east and west of Crow Creek Road.
  - ii. *Intent.* The gR-3 district is found in a number of areas and consists of undeveloped land designated primarily for single-family detached and two-family development, although other types of residential uses and visitor accommodations may be allowed pursuant to the master planning process and Table 21.09.050-1.
  - iii. *Area master planning required.*
    - (A) Prior to subdivision or development of any portion of this district, area master planning is required pursuant to section 21.09.030E.
    - (B) Uses allowed in this district are set forth in Table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.
    - (C) Dimensional standards, site development and design standards, and building design standards for this district are set out in sections 21.09.060, 21.09.070, and 21.09.080, respectively. Area master planning shall not change those standards.
- e. *gR-4 (Multiple-Family Residential) District.*
- i. *Location.* The district consists of two already-developed areas at the base of Mt. Alyeska, two, small already-developed areas on the west side of Alyeska High-

way, and an area south of Alyeska Highway, just east of Glacier Creek.

- ii. *Intent.* The intent for the gR-4 district is to continue the existing pattern of multiple-family development on sewers. Single-family and two-family development is allowed on existing lots of less than 20,000 square feet.
- f. *gR-5 (Multiple-Family Residential) District.*
  - i. *Location.* The gR-5 district consists of two areas which are:
    - (A) West of Crow Creek Road, just north of California Creek; and
    - (B) East of Crow Creek Road, west of Glacier Creek.
  - ii. *Intent.* This district is intended for multiple-family development on sewers.
  - iii. *District-specific standards.*
    - (A) *Minimum density.* The minimum density for residential development where public sewer is available, shall be five dwelling units per acre.
    - (B) *Single-family development in gR-5.* One single-family structure is allowed on a parcel only where public sewer is not available. Minimum lot size shall be 50,000 square feet. Subdivision is prohibited for the purpose of providing single-family development.
- 3. *District-specific standards for all residential districts.*
  - a. *Prohibited uses and structures.* Vehicles, shipping containers, construction trailers, and similar items, shall not be used for habitation or storage. Commercial vehicles, shipping con-

tainers, construction equipment, and similar items, shall not be stored outdoors in residential districts.

- b. *Use of setbacks.*
  - i. Structures, including but not limited to fences, trash dumpsters, and storage sheds, shall not be placed within any setback area, except as otherwise provided in this chapter.
  - ii. Private vehicles, trailers, boats, snow machines, recreational vehicles, other non-commercial vehicles, and similar items, may be stored in the front setback only in the driveway, but shall not be stored closer than five feet to the side or rear property lines.
  - iii. Architectural elements, such as roof overhangs, eaves, and awnings, shall not project more than two feet into a required setback area.
  - iv. Decks, unroofed porches, exterior steps, terraces, and similar items, shall not project into setback areas, except exterior steps necessary for site access may project into setback areas.
  - v. Walkways may be constructed within setback areas.
  - vi. Bed and breakfast signs and project identification signs may be placed in the front setback area.

#### C. *Commercial districts.*

- 1. *General description.* There are ten commercial districts in Girdwood, labeled gC-1 through gC-10. The commercial districts permit a varied range of commercial uses, and some of the commercial districts also permit the development of residential dwelling units.

In order to provide adequate review of larger projects, to protect the public interest, prohibit the development of struc-



tures out of scale with the character of different parts of Girdwood, and provide flexibility and simplicity of development, certain uses have different review and approval requirements, depending on the size of the use. The sizes and approval requirements are delineated in Table 21.09.050-1.

Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.

2. *Districts.*

a. *gC-1 (Seward Highway / West Alyeska Highway Commercial) District.*

- i. *Location.* The gC-1 district consists of land located north of the Seward Highway, west of the Alyeska Highway, and south of the railroad at the entrance to Girdwood Valley, containing approximately 23 acres.
- ii. *Intent.* The overall design goal for this district shall be to create a mix of rail, bus, trail, and highway-related commercial uses. This district may be a possible site for a passenger terminal, trailhead for the Iditarod Trail and/or a transfer point between private autos and carpools, buses, or other forms of transportation. The district contains intertidal and high value freshwater wetlands, and also has high visibility. Consequently, the master plan for this district needs to carefully consider both environmental and community aesthetics. This district shall become an attractive gateway to Girdwood Valley, with visual character appropriate to the entry to a mountain resort community. Landmark-quality elements are encouraged in any development visible from the highways, and the design of larger buildings shall

make every effort to reduce the perception of building mass and make the building appear to be an aggregation of smaller, simple forms.

iii. *Development master planning required.*

(A) Prior to subdivision or development of any portion of this district, development master planning is required pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(C) Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

iv. *District-specific standards.*

(A) The facade of any retail commercial development or multimodal facility facing the Seward Highway or Alyeska Highway shall avoid a "back-door" appearance.

(B) Building and landscape materials typical of Girdwood, such as natural wood, native trees and flowers, and local stone, shall be emphasized.

b. *gC-2 (Girdwood Station/Seward Highway Commercial) District.*

- i. *Location.* The gC-2 district is comprised of land on the east side of Alyeska Highway, west of Dawson Street, at the intersection of the Alyeska Highway with the Seward Highway. The district fronts both highways.
- ii. *Intent.* The gC-2 district, along with the gC-1 district, constitutes the entry to Girdwood Valley and shall be developed as part of an attractive gateway to a mountain resort community. Because of the proximity to the Seward Highway, residential uses are not appropriate in this district. Landmark-quality elements are encouraged in any development visible from the highways, and the design of larger buildings shall make every effort to reduce the perception of building mass and make the building appear to be an aggregation of smaller, simple forms.
- iii. *District-specific standards.* Building and landscape materials, such as natural wood, native trees and flowers, and local stone, shall be emphasized.

c. *gC-3 (Old Townsite Commercial/Residential) District.*

- i. *Location.* The gC-3 district is comprised of the land north of the gC-2 district, east of the Alyeska Highway, south of the Alaska Railroad, and west of Glacier Creek at the entrance to Girdwood Valley.
- ii. *Intent.* This district reflects the development pattern of early Girdwood, with a mix of houses and small businesses on small lots creating the appearance of a small, historic town. There

are still many vacant lots in this district to be developed with either residences or small commercial and craft-oriented businesses to retain the unique scale and visual quality of this district.

iii. *District-specific standards.*

(A) *Residential character.* To maintain overall neighborhood integrity, new non-residential development in the old townsite shall have a residential character, even though the zoning permits commercial uses. Elements of residential character in the old townsite include predominantly pitched roofs, porches and protected entryways, rectangular and vertically oriented windows recessed into the exterior wall or window trim, no blank walls, and special attention to the detailing of windows, doors, porches and protected entries on the ground floor. Siding and trim shall be traditional residential, in appearance, and avoid materials associated with industrial uses.

(B) *Parking.* On-street parking may satisfy parking requirements; excessive on-site parking is discouraged. Up to 50 percent of the width of the front setback may be used for parking, provided parking areas allow for sidewalks so pedestrians may comfortably and safely walk by parking stalls.

(C) *Accessory structures and outdoor storage.* Uses shall

adhere to residential district standards for outdoor storage and accessory structures.

d. *gC-4 (Lower Alyeska Highway Commercial) District.*

- i. *Location.* The gC-4 district consists of three commercially developed lots located on the west side of Alyeska Highway, south of Crow Creek Road, surrounded by residential uses.
- ii. *Intent.* This district permits continued commercial use or a variety of residential uses. Use and redevelopment of the lots in this district shall protect the visual quality of the Alyeska Highway corridor by maintaining and enhancing the predominantly natural character of views along the highway.
- iii. *District-specific standards.* Removal of existing vegetation shall be in accordance with section 21.09.070D.4.b.

e. *gC-5 (New Townsite South Commercial) District.*

- i. *Location.* The gC-5 district consists of previously-platted land between Glacier Creek and California Creek, south of Alyeska Highway, owned, at the time this chapter is adopted, by the Municipality. Although this district is identified as a commercial district, it also includes park, open space, and institutional lands, with boundaries proposed to be modified through a detailed master plan process.
- ii. *Intent.* This district is the southern extension of the new townsite. Development in this district is intended to include a blending of commercial, institutional and park uses, with new and modified access routes es-

tablished. Small commercial lots are anticipated along the extension of south Hightower, where a main street character, similar to the north townsite area, is intended. This may differ from larger lot commercial development at the south end of the commercial district, where a larger structure (grocery store) is anticipated. Although buildings are likely to be larger than in new townsite areas north of the Alyeska Highway, the desired character is expected to be compatible with Girdwood's mining town origins, using elements such as human-scale building massing; varied rooflines; protected entries; traditional window forms; well-detailed retail frontages; and use of natural materials.

- iii. *Area master planning required.*
  - (A) Prior to subdivision or development of any portion of this district, area master planning is required pursuant to section 21.09.030E.
  - (B) Uses allowed in this district are set forth in Table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.
  - (C) Dimensional standards, site development and design standards, and building design standards for this district are set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively. Area master planning shall not change those standards.

f. *gC-6 (Crow Creek Road Commercial / Residential) District.*

- i. *Location.* The gC-6 district is located north of Alyeska Highway, along both sides of lower Crow Creek Road, and along Hightower Road north of the new Townsite.
- ii. *Intent.* The intent for this district is to continue the existing pattern of mixed residential and commercial uses, while allowing expansion of the new townsite core.

g. *gC-7 (Townsite Square Commercial) District.*

- i. *Location.* The gC-7 district is a square block located north of the Alyeska Highway, bounded by Hightower Road, Lindblad Avenue, Holmgren Place, and Girdwood Place. This district presently consists of small lots developed with commercial uses.
- ii. *Intent.* This district is intended to be the commercial core of Girdwood, with commercial uses developed at street level; although residential dwelling units may be constructed over the ground floor commercial uses. Buildings shall be at human scale and relate strongly to both the street front and to the town square park, in order to support the park as a public amenity. Site development shall provide strong pedestrian connections to neighboring lots.
- iii. *District-specific standards.*
  - (A) *Building orientation.* Buildings shall be oriented perpendicular to, or parallel with, public streets and to other buildings.
  - (B) *Double-loaded or double-sided commercial.* Buildings with frontage on Town

Square Park shall be designed and constructed so ground floor commercial, retail and/or restaurant establishments shall have public/customer spaces and a public entrance facing Town Square Park, as well as on the front side.

(C) *Rear setbacks and relationship to Town Square Park.*

Uses allowed in the rear setback, facing Town Square Park, shall focus on public activity rather than being fully private or service areas. Outdoor spaces and structures, such as terraces, porches, and decks, may encroach into the rear setback. Service areas or mechanical equipment in the rear are discouraged and, if unavoidable, shall be screened from the park.

(D) *Side setbacks along public rights-of-way accessing Town Square Park.* Building or structural improvements are allowed within the side setback if related to the public space, under the following standards:

- (1) No blank building walls or sight-obstructing fences are allowed.
- (2) There shall be at least one building public entry facing the public access right-of-way, with a connecting walkway.
- (3) The side of the building facing the public access right-of-way shall meet the design standards for

store fronts in subsection  
21.09.080F.2.f.

- (4) Non sight-obscuring fences, such as picket fences, and garden gates no higher than 42 inches in height are allowed.
- (E) *Fences.* Privacy walls or fences, that shall match the materials of the principal building on the lot, are permitted only around private terraces on the ground floor, or to screen service areas. Fences bordering the public rights-of-way into Town Square Park are permitted subject to subsection (D), above.
- (F) *Snow storage areas.* Snow storage areas in the side and rear setbacks shall be designated to not interfere with or damage public spaces or passageways between buildings.
- (G) *Parking.* In addition to the more generally applicable standards for parking, development in the gC-7 district is subject to the new townsite parking provisions of subsection 21.09.070K.3. Driveways are prohibited along side setbacks adjoining the public rights of way accessing Town Square Park.
- h. *gC-8 (New Townsite North Commercial) District.*
- i. *Location.* The gC-8 district is located north of Lindblad Avenue, on both sides of Hightower Road. This district includes the Girdwood Post Office and neighboring lots to the north, east, and west.
- ii. *Intent.* The intent of this district is for northward commercial and residential expansion of the new townsite core. Buildings shall continue the human scale and physical character of the new townsite core, and maintain a strong relationship to the street. Properties along Hightower Road shall express a visible transition from the built-up environment around town square to a more forested landscape along the northern extension of Hightower Road. Residential dwelling units are permitted on upper floors above ground-floor commercial uses.
- i. *gC-9 (East Hightower Commercial/ Residential) District.*
- i. *Location.* The gC-9 district is located north of Alyeska Highway, east of Hightower Road and west of Glacier Creek. This district presently is a mix of commercial and residential uses.
- ii. *Intent.* It is intended to provide expansion area for the new townsite core, continuing a mixture of multiple-family residential and commercial uses. Buildings shall be at human scale. Site development shall have strong street orientation and provide pedestrian connections to neighboring lots.
- j. *gC-10 (Upper Alyeska Highway Commercial) District.*
- i. *Location.* The gC-10 district is an undeveloped portion of a residentially developed subdivision. This district is located on the south side of Alyeska Highway, west of Timberline Drive.

- ii. *Intent.* The intent of this district is to permit development of a limited range of non-retail commercial uses along with residential uses in a manner compatible with the surrounding residential land use.
3. *District-specific standards for commercial districts.* The following standards shall apply to commercial districts.
- a. *Ground-floor residential.* In the gC-2, gC-5, gC-7, and gC-8 commercial districts, residential uses are permitted only on an upper story above the ground floor. Commercial and/or other non-residential uses shall occupy the ground floor.
  - b. *Arcades and covered walkways in the New Girdwood Townsite.* In the gC-5, gC-7, gC-8 and gC-9 districts, arcades or roofed walkways are required along the street face of all new buildings and as part of any application for modification or redevelopment. In the gaps between buildings within these districts, privately maintained walkways are required. Development standards for arcades and walkways on building frontages are established in subsection 21.09.080E.5.d.
  - c. *Use of setbacks in commercial districts.*
    - i. Service facilities, such as trash dumpsters, storage sheds, fuel tanks, and similar facilities, shall not be placed within setback areas.
    - ii. No parking spaces are permitted within required setbacks, except in the gC-3 district with its small lots and existing businesses, where up to 50 percent of the width of the front setback may be used for parking.
    - iii. Business signs, walkways, snow protection over walkways and landscape plantings may be placed within, and driveways may cross, setback areas.
  - iv. Except for arcaded or roofed walkways, no architectural elements attached to a building, such as roofed decks or terraces, roof overhangs, attached exterior stairs and upper-story balconies, shall project more than two feet into a setback area. On lots smaller than 5,000 square feet, however, where parking access is only from the rear service alley, the garage and its roof overhang may encroach into the setback to within five feet of the property line.
  - v. Walkways and terraces may use up to 50 percent of the side and rear setback, and may occupy all of the front setback area not required for snow dumping from roofs and for snow storage from paved areas.
- D. *Industrial districts.*
- 1. *General description.* There are two industrial districts in Girdwood, labeled gI-1 and gI-2. The gI-1 district, the Ruane Road industrial area, permits a varied range of commercial and industrial uses. The gI-2 district, encompassing the existing industrial mining area along Upper Crow Creek Road, primarily permits continuation of the existing use, along with a limited number of other uses. Girdwood-specific site and building design standards are contained in sections 21.09.070 and 21.09.080.
  - 2. *Districts.*
    - a. *gI-1 (Ruane Road Industrial) District.*
      - i. *Location.* The gI-1 district consists of the Ruane industrial area east of lower Alyeska Highway.

- ii. *Intent.* This largely undeveloped area is intended to contain the industrial uses necessary for the future development of Girdwood. In addition, commercial uses requiring large areas for storage, or with potentially more substantial visual and noise impacts than appropriate for the Girdwood commercial districts, are permitted in this district.
- b. *gI-2 (Upper Crow Creek Industrial) District.*
- i. *Location.* The gI-2 district is an active commercial mine at the upper end of Crow Creek Road.
  - ii. *Intent.* The intent for this district is to permit continuation of existing mining activities and accessory activities thereto.
  - iii. *Federal patents to mineral estate and valid state and federal mining claims.* The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

E. *Resort districts.*

1. *General description.* There are two resort districts in Girdwood, labeled GRST-1 and GRST-2, focused on tourism and alpine skiing. The GRST-1 district consists of the area around the existing day lodge, referred to as the original mountain base resort. The GRST-2 district consists of the Alyeska Resort ski slopes, the Alyeska Prince Hotel area, and undeveloped property for future resort expansion. The resort districts permit a varied range of commercial uses and residential dwelling units.

In order to provide adequate review of larger projects, to protect the public inter-

est, prohibit the development of structures out of scale with the character of different parts of Girdwood, and provide flexibility and simplicity of development, certain uses have different review and approval requirements, depending on the size of the use. The sizes and approval requirements are delineated in Table 21.09.050-1.

2. *Districts.*

a. *GRST-1 (Original Mountain Base Resort) District.*

- i. *Location.* The GRST-1 district consists of the original Alyeska Resort base area, currently in multiple ownership, and already largely developed with commercial uses generally related to the alpine ski facility.
- ii. *Intent.* The intent of this district is to continue its use as an alpine ski resort base area, particularly for day skiers.
- iii. *Development master planning required.*

(A) Prior to any development of over 20,000 square feet gross floor area, development master planning is required pursuant to section 21.09.030F.

(B) Uses allowed in this district are set forth in Table 21.09.050-1. Development master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.

(C) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site develop-

ment and design stan-  
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dards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

- (D) Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

b. *GRST-2 (New Base Resort) District.*

- i. *Location.* The GRST-2 district consists of the Alyeska Resort ski slopes, the Alyeska Prince Hotel and adjoining parking area, the undeveloped area between the original mountain base area and the Alyeska Prince Hotel, and an undeveloped area lying north of the Alyeska Prince Hotel, across Moose Meadows Creek. The latter area is suitable for a future resort base development.
- ii. *Intent.* The intent of this district is to maintain and expand upon the current development for alpine skiing and tourism.
- iii. *Area master planning and development master planning required.*

(A) *Area master planning.*

- (1) Prior to any development of over 20,000 square feet gross floor area, area master planning is required pursuant to section 21.09.030E.
- (2) Uses allowed in this district are set forth in Table 21.09.050-1. Area master planning shall not change

the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.

(B) *Development master planning.*

- (1) Prior to any development of over 20,000 square feet gross floor area, development master planning is required pursuant to section 21.09.030F.
- (2) Uses allowed in this district are set forth in Table 21.09.050-1. Development master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.
- (3) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.
- (4) Development proposals that are part of an approved development master plan are exempted from the

review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

F. *Other districts.*

1. *General description.* There are nine miscellaneous districts in this section covering the majority of the land governed by this chapter. Several districts consist of discrete, relatively small areas. For instance, the GA (Girdwood Airport) district consists of State of Alaska property presently used for the Girdwood Airport, and the GCR-3 Commercial Recreation (Crow Creek Historic Mine) district consists of property operated as historic Crow Creek mine commercial/recreational development. On the other hand, some of the districts cover extensive areas of land and/or are located in a variety of areas within Girdwood. For instance, the GIP (Girdwood Institutional and Parks) district includes Girdwood School, U.S. Forest Service Ranger Station and Visitor Center, State of Alaska Highway Maintenance Yard, and Municipal Sewage Treatment Plant, along with both dedicated and undedicated existing and future parks. Many of the districts are based on intended general uses specified in the Girdwood Area Plan, but require master planning to identify specific uses and development standards, as well as circulation, subdivision and utility requirements. It is anticipated, as required master plans for land in many of the districts in this chapter are completed, the specific district provisions may be refined or the district may be completely redefined.
2. *GA (Girdwood Airport) District.*
  - a. *Location.* The GA district consists of State of Alaska-owned property where the Girdwood airport is currently located. The airport property is located north of Alyeska Highway and straddles Glacier Creek. The airport facility itself is on the east side of Glacier Creek, but much of the airport property is either wetlands or river floodway
3. *GOS (Girdwood Open Space) District.*
  - a. *Location.* The GOS district consists of those areas of Girdwood Valley depicted in the Girdwood Area Plan as open space because of generally physically unsuitable or unsafe for development, and/or generally environmentally sensitive with functions or attributes to be protected. The GOS district is located throughout the valley, taking in several types of land area, including wetlands and floodplains, steep slopes and hazardous lands, as well as recommended creek greenbelt areas.
  - b. *Intent.* The intent of the open space district is to protect lands left predominantly natural.
  - c. *District-specific standards.* Development shall be prohibited, except as related to a recreational use listed in Table 21.09.050-1, or if authorized in an approved master plan. Transportation rights of way and utility easements may cross GOS lands.
4. *GIP (Girdwood Institutions and Parks) District.*
  - a. *Location; parks designation.* The GIP (Girdwood Institutions and Parks) district consists of land in public use, or projected to be in public use, during the dura-

tion of the Girdwood Area Plan. Among other uses, the Girdwood school, the U.S. Forest Service range station and visitor center, State of Alaska highway maintenance yard, and municipal sewage treatment plant, along with both dedicated and undedicated existing and future parks, are located in this district.

Within the GIP district, parks, whether dedicated or undedicated, existing or future, are designated on the district map by "GIP-p."

- b. *Intent.* The GIP district is intended to include areas of public and quasi-public institutional uses and activities.
  - c. *Federal patents to mineral estate and valid state and federal mining claims.* Some properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.
  - d. *Uses.*
    - i. *Permitted uses.* The following uses are allowed subject to the stated limitations:
      - (A) Park facilities and playgrounds.
      - (B) Community fairs and special events, subject to obtaining any required temporary use permits.
      - (C) Concession facilities not larger than 500 square feet, primarily serving users of the park or open space where located.
    - ii. *Conditional uses.*
      - (A) Gallery/museum/art studio/information center.
      - (B) Community buildings and uses.
      - (C) Tent campgrounds; only in California Creek Park.
      - (D) Communication structures (as listed in Table 21.09.050-1).
      - (E) Utility facilities and utility substations.
      - (F) Non-motorized general outdoor recreation, commercial.
      - (G) Snow disposal site.
      - (H) Government services.
  - e. *District-specific standards.*
    - i. The provisions of subsection 21.09.030D.1., minor modifications for site constraints, apply to the GIP district.
    - ii. The provisions of subsection 21.09.040C.3.c., use of setbacks in commercial districts, apply to the GIP district.
5. *GCR-1 Commercial Recreation (Golf Course / Nordic Ski Course) District.*
- a. *Location.* The area encompassed by this district is located in lower Girdwood Valley near Glacier, California, and Virgin Creeks.
  - b. *Intent.* The primary use envisioned for the district is an 18-hole resort golf course and facilities normally associated with a golf course, including a clubhouse, driving range, pro/retail shop, restaurant/food service, and similar supporting services. A Nordic ski course is also a permitted use. Other uses associated with the course development may include limited related commercial and/or other recreational activities. Residential development may also be allowed as a secondary use, along with other outdoor recreational uses and facilities. While this district provides for commercial recreation development with related residential, the intent is to

also maintain the scenic and natural beauty of the area, and to ensure development impacts are minimized. No housing or commercial development shall be constructed until after the golf course is constructed.

c. *Area master planning and development master planning required.*

i. *Area master planning.* Except for uses listed in subsection d., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030.E. The plan shall address protection of important environmental features and natural habitat.

ii. *Development master planning.*

(A) Except for the three privately owned lots in this district and the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning pursuant to section 21.09.030F.

(B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

d. *Uses.*

i. *Permitted uses.* The following uses are permitted, prior to area and/or development master plan

approval, subject to compliance with all development and design standards and other applicable regulations:

- (A) Public recreational trails.
- (B) Single-family dwelling on Lots 1 and 13, Block 7, and Lot 1, Block 10, First Addition New Girdwood Townsite Alaska Subdivision.

ii. *Conditional uses:* The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:

- (A) Community buildings and uses.
- (B) Utility facilities and utility substations.

6. *GCR-2 Commercial Recreation (Glacier — Winner Creek) District.*

a. *Location.* The area encompassed by this district is located in the upper portion of Girdwood Valley and includes municipal, as well as state-owned and selected land, in the Glacier and Winner Creek drainages and mountain massif between the two creeks. This undeveloped area is mountainous and heavily forested.

b. *Intent.* The primary use permitted for this area is outdoor commercial recreational use, including associated resort development. While the intent of this district is to provide for commercial recreation and resort development, the emphasis is to maintain the scenic and natural beauty of the area, and to ensure development impacts are balanced with environmental concerns.

c. *Area master planning and development master planning required.*

i. *Area master planning.* Except for uses listed in subsection d., below, no subdivision or other

- development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E. The plan shall address protection of important environmental features and natural habitat.
- ii. *Development master planning.*
- (A) Except for the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district shall be established through development master planning pursuant to section 21.09.030F.
- (B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.
- iii. *Master plan standards.* Both area and development master planning standards for resort areas shall take into consideration the following:
- (A) Traffic into the Four Corners area shall be minimized, and preferably restricted to some form of mass transit, such as shuttle bus, or ultimately an automated system.
- (B) Any road into the Four Corners area shall be curvilinear and aesthetically designed and landscaped.
- (C) Removal of trees and vegetation shall be kept to a minimum.
- (D) Development shall be hidden and designed to fit in with the area.
- (E) As much buffer/open space as possible shall be retained between the development and the creeks.
- d. *Uses.*
- i. *Additional development and design standards.* Due to the remote location and natural undeveloped features of this district, all permitted and conditional uses may be subject to additional design and development standards to ensure compatibility with the natural environment.
- ii. *Permitted uses.* The following uses are permitted, prior to area and/or development master plan approval, subject to compliance with all development and design standards and other applicable regulations:
- (A) Passive and active outdoor recreation.
- (B) Sno-cat skiing.
- iii. *Conditional uses.* The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:
- (A) Community buildings and uses.
- (B) Small scale lodging or shelters, not to exceed an aggregate total of 5,000 square feet gross building area.
- (C) Utility facilities and utility substations.
7. *GCR-3 Commercial Recreation (Crow Creek Historic Mine) District.*
- a. *Location.* This district is located along the lower portion of Crow Creek a

short distance upstream from its confluence with Glacier Creek, in the upper portion of Girdwood Valley. The area encompassed by this district contains the remains of the historic Crow Creek Mine and surrounding environs.

- b. *Intent.* The intent for this district is to allow the current uses to continue. This district contains several restored historic structures being used in a variety of ways, including historical/cultural exhibit, gift shop, overnight accommodations, social/recreational activities and owners' residences. Residences are allowed customary accessory uses, including the keeping of pets and/or livestock. Along with recreational and small commercial mining and overnight camping, these uses make this district a multi-faceted visitor attraction.
- c. *Federal patents to mineral estate and valid state and federal mining claims.* The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.
- d. *Area master planning and development master planning required.*
  - i. *Area master planning.* Except for the uses listed in e. below, subdivision, new development, or major expansions of existing operations are permitted only in accord with area master planning approval pursuant to section 21.09.030E.
  - ii. *Development master planning.*
    - (A) Prior to additional development, development master planning approval, pursuant to section 21.09.030F, is required in

order to ensure high-quality, environmentally sensitive development in keeping with the intent of this chapter 21.09 and the character of Girdwood.

- (B) Subject to section 21.09.030F, the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district that are set forth in sections 21.09.060, 21.09.070, and 21.09.080 respectively.
- e. *Uses.*
  - i. *Permitted uses.* The following uses are permitted subject to compliance with all development and design standards and other applicable regulations:
    - (A) Restoration of existing structures for uses already established on site.
    - (B) Three additional single-family dwellings constructed after the effective date of this chapter.
    - (C) Utility substations.
  - ii. *Conditional uses.* The following uses may be permitted as conditional uses:
    - (A) Community buildings and uses.
    - (B) Utility facilities.
- f. *District-specific standards.*
  - i. *Additional development and design standards.* The single-family structures, community buildings and uses, and utility facilities shall comply with the dimensional standards for the gR-2 District (Single-Family/Two-Family Residential). Restoration of existing structures

shall be based upon original design. For other new structures, development standards shall be determined through the development master plan process.

8. *GDR Development Reserve District.*

- a. *Location.* This district consists of municipally-owned land located on the eastern side of lower Girdwood Valley, between Virgin Creek and the Seward Highway, municipally-owned land located in the upper Girdwood Valley, between Crow Creek Road and Glacier Creek, and two areas north of Glacier Creek and east of Crow Creek.
- b. *Intent.* The intent of this district is to hold lands in reserve for future development.
- c. *Prerequisites to development.* Prior to any development in this district, other than the uses permitted in subsection e., below, this district shall be revised on the Girdwood Area Plan Land Use Plan Map from development reserve to an active classification. In addition, this section shall be amended to either move the land into another district classification, or adopt specific uses and standards for development of the land in this district.
- d. *Area master planning and development master planning required.*
  - i. *Area master planning.* Except for the uses permitted in subsection e., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E.
  - ii. *Development master planning.*
    - (A) Except for the uses listed in subsection e., below, the uses allowed in the district, as well as the design

and character of the development permitted within the district, shall be established through development master planning, pursuant to section 21.09.030F.

- (B) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

e. *Uses.*

- i. *Permitted uses prior to master planning approval.* Public trails, as depicted in an adopted trails or open space master plan.
- ii. *Conditional uses prior to master planning approval.* The following uses may be permitted as conditional uses:
  - (A) Community buildings and uses.
  - (B) Utility facilities and utility substations.

9. *GRR (Recreation Reserve) District.*

- a. *Location.* This district consists of municipally-owned land located in upper Girdwood Valley, between Glacier Creek on the west and the lower slope of Mount Alyeska on the east. This district is located south of the Four Corners Park and north of the areas designated for resort development. This district is generally a mixed spruce/hemlock-forested upland interlaced with extended, open, wet meadows. Because of its close proximity to current and proposed resort development areas, this dis-

trict is well located to provide recreational opportunities for visitors, as well as local residents.

- b. *Intent.* The intent of this district is to hold lands in reserve for future development of recreational opportunities.
- c. *Prerequisites to development.* Prior to any development in this district, other than the uses permitted in subsection e., below, this district shall be revised on the Girdwood Area Plan Land Use Plan Map from recreation reserve to an active classification. In addition, this section shall be amended to either move the land into another district classification, or adopt specific uses and standards for development of the land in this district.
- d. *Area master planning and development master planning required.*
  - i. *Area master planning.* Except for the uses permitted in subsection e., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E.
  - ii. *Development master planning.*
    - (A) Except for the uses listed in subsection e., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning pursuant to section 21.09.030F.
    - (B) Subject to section 21.09.030F, the development master plan may change the dimensional standards, site development and design stan-

dards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

- e. *Uses.*
  - i. *Permitted uses prior to master planning approval.* Public trails, as depicted in an adopted trails or open space master plan.
  - ii. *Conditional uses prior to master planning approval.* The following uses may be permitted as conditional uses:
    - (A) Community buildings and uses.
    - (B) Utility facilities and utility substations.

#### 10. *GW (Girdwood Watershed) District.*

- a. *Location.* The GW district consists of federally owned, state-selected land within the Crow Creek and Winner Creek watersheds.
- b. *Intent.* The intent of the watershed district is to identify remote lands generally to be left natural. The primary use of watershed land is water supply protection and recreation.
- c. *Federal patents to mineral estate and valid state and federal mining claims.* Some federal patents to mineral estate and/or valid state and federal mining claims exist in this district. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

(AO No. 2005-81(S), § 1, 11-1-05; AO No. 2007-150, § 1, 12-11-07; AO No. 2008-6, § 1, 1-22-08)

#### 21.09.050 Use regulations.

A. *Table of allowed uses.* Table 21.09.050-1 below lists the uses allowed within the base zoning districts in Girdwood. When the uses in a



district are determined through a master planning process per subsections 21.09.030E, and F., this table shall not apply.

1. *Explanation of table abbreviations.*

a. *Permitted uses.*

"P" in a cell indicates the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of Title 21.

b. *Administrative site plan review.*

"S" in a cell indicates the use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.15.030., Approval of site plans and conditional uses.

c. *Major site plan review.*

"M" in a cell indicates the use requires major site plan review in the respective zoning district. Until the provisions for major site plan review are adopted, an "M" in a cell indicates that the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.15.030, Approval of site plans and conditional uses.

d. *Conditional uses.*

"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.15.030, Approval of site plans and conditional uses. Throughout Title 21, the term "conditionally allowed" means approval through the conditional use process is required.

e. *O (with # inside).* A circle with a number inside references uses with a different review and approval procedure, depending on the gross floor area of the building, or of the largest building in a multi-building development. The explanation of the sizes

and associated review and approval procedures is located at the end of the table.

f. *Prohibited uses.* A blank cell indicates the use is prohibited in the respective zoning district.

g. *Use-specific standards.* Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards applicable to the use. The existence of most use-specific standards is noted through a cross-reference in the last column of the table, but there may be other applicable non-referenced portions of Municipal code as well. Cross-references include, but are not limited to, references to sections 21.45. Supplementary District Regulations, section 21.50. Standards for Conditional Uses and Site Plans; or section 21.09.050B., Use-Specific Standards for Girdwood. These standards shall apply in all districts unless otherwise specified.

2. *Table organization.* In Table 21.09.050-1, land uses and activities are classified into general "use categories" and specific "use types", based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity appropriate within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

3. *Unlisted uses.* When application is made for a particular use category or use type

not specifically listed in Table 21.09.050-1, the procedure set forth in section 21.40.015 shall be followed.

4. *Use for other purposes prohibited.* Approval of a use listed in Table 21.09.050-1, and compliance with the applicable use-specific standards for the use, authorizes the specific use only. Development or use of a property for any other use not specifically allowed in Table 21.09.050-1 and approved under the appropriate process is prohibited.



TABLE 21.09.050-1: TABLE OF ALLOWED USES																										
P = Permitted; C = Conditional; S = Administrative Site Plan Review; M = Major Site Plan Review; (with # inside) = see end of table																										
For GIP, GCR-1, GCR-2, GCR-3, GDR, and GRR districts, see Section 21.09.040, Zoning Districts																										
Use Category	Use Type	Residential					Commercial					Ind. Resort					Other			Use Specific Standards						
		gR 1	gR 2	gR 3	gR 4	gR 5	gC 1	gC 2	gC 3	gC 4	gC 5	gC 6	gC 7	gC 8	gC 9	gC 10	gI 1	gI 2	gR ST1		gR ST2	G A	G S	G W		
Health Care Facility	Health care facility																									
	Park and Open Area	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					S	S	S	C	C	
	Passive and active recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P	P	C	
	Transportation Facility					C																S	S			
	Bus transit center																									
	Heliport																									
	Railroad passenger terminal					C																				
	Aircraft repair																									
	Aircraft storage hangar																									
	Aviation services																									
Utility Facility	Utility facility																									
	Utility substation	C	C	M	C	C	C	C	C	C	C	C	C	C	C	C	P	P								
	Type 1 tower structure	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P								
	Type 2 tower structure	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P								
Communication Structures	Type 3 tower structure	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P								
	Type 4 tower structure	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P								
	Antenna and/or tower on existing structure	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P								
	Antenna and/or tower on existing structure	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P								
<b>COMMERCIAL</b>																										
Animal Sales, Service & Care	Animal grooming service																									
	Kennel																									
	Pet shop																									
	Veterinary clinic																									
	Club/lodge/meeting hall																									
	Amusement establishment																									
	Fitness and recreational sports center																									
	Nightclub, licensed																									
	Theater company or dinner theater																									
	Alpine ski facility																									
Entertainment/Recreation, Outdoor	Non-motorized general outdoor recreation, commercial																									
	Golf driving range																									
	Financial institution																									
	Financial Institutions																									





B. *Use-specific definitions and standards.* The following use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

The use-specific standards of this section apply in place of any use-specific standards established in chapter 21.45, unless otherwise specified. If this section does not establish use standards for a certain use, then the use standards, including any generally applicable use standards, established in other sections of title 21 shall apply in Girdwood. Except where stated otherwise in this section 21.09.050, chapter 21.45 standards for accessory and temporary uses shall apply.

1. *Generally applicable use-specific standards.*

a. *Uses involving the retail sale of alcoholic beverages.* Any use that involves the retail sale of alcoholic beverages is subject to section 21.50.160, Conditional use standards—Uses involving sale of alcoholic beverages. This process shall apply to any such use regardless of whether it is listed in Table 21.05.090-1 as being permitted as a matter of right or subject to site plan review or the conditional use process. The applicant shall be required to obtain approval through both section 21.50.160, Conditional use standards—Uses involving sale of alcoholic beverages, and the separate process referenced in Table 21.09.050-1.

b. *Premises containing uses where children are not allowed.* Any premise containing uses where children are not allowed shall comply with section 21.45.240.

2. *Residential uses.*

a. *Dwelling, mixed use.*

i. *Definition.* A dwelling that is located on the same lot or in the same building as a non-

residential use, in a single environment in which both residential and non-residential amenities are provided.

b. *Dwelling, multi-family.*

i. *Definition.* 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. The definition includes the terms "apartment" or "apartment building."

ii. *Use-specific standards.* Children's play space: Multiple-family projects of more than ten dwelling units shall provide a play space of at least 1,000 square feet.

c. *Dwelling, single-family attached.*

i. *Definition.* One dwelling unit in a building on its own lot, with one wall abutting the wall of another single-family dwelling unit on an adjacent lot.

ii. *Use-specific standards (also applies to "dwelling, townhouse").*

(A) *Purpose.* The purpose of permitted attached single-family and townhouse dwelling unit projects is to preserve significant areas of natural landscape, or to prevent physical development of hazardous and wetlands areas unsuitable for development, by shifting the density allowed within an application area to a smaller development area within the application area.

(B) *Applicability.* The following standards shall apply to all attached single-family and townhouse devel-

opment projects in Girdwood gR-1, gR-3, and gR-5 districts.

(C) *Development standards.*

- (1) *Site size:* Two acres minimum.
- (2) *Site width:* 150 feet minimum.
- (3) *Lot width for individual dwellings:* 28 feet minimum.
- (4) *Residential density within development area:* Eight dwelling units per acre maximum.
- (5) *Slopes within development area:* 15 percent maximum.
- (6) *Building height:* 35 feet maximum.
- (7) *Development area:* 40 percent maximum (see subsection (D) below).
- (8) *Natural open space:* 60 percent minimum.
- (9) Parking requirements may be met on the lots and/or on common areas within the development area.
- (10) Public sewers shall be available or provided for an attached single-family dwelling unit project.

(D) *Development area.* A maximum of 40 percent of the area included in the proposed project may be developed. The development area includes all private lots, all portions of the common area developed with driveways, parking or other common facilities.

The development area shall be located to retain a minimum 30-foot wide section of natural open space around the perimeter, except as needed for public access to the development area.

(E) *Common area.* A homeowners' association or other governance entity acceptable to the Municipality shall be formed for the purpose of establishing covenants or restrictions, and providing joint responsibility for maintenance of the dwelling structures, and for maintenance and construction within common areas. Common area includes natural open space areas and all shared facilities within the development area, such as parking, storage, drives, trails, walks, play areas, and similar areas.

(F) *Natural open space requirement.* A minimum of 60 percent of the area included in the proposed project shall be retained as natural open space, and no part shall have a dimension of less than 30 feet. The retained natural open space shall include a minimum 30-foot wide buffer, exclusive of utilities and utility easements, around the perimeter of the application area. A minimal number of common access driveways to the lots shall be permitted to cross the buffer, but the driveways shall be counted as part of the development area. Natural open space used to



meet minimum requirements shall be located only within common areas and shall not be located on private lots.

- d. *Dwelling, single-family detached.*
    - i. *Definition.* One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one family, having complete living facilities, and constituting one dwelling unit.
  - e. *Dwelling, townhouse.*
    - i. *Definition.* A building containing more than two single-family dwelling, units erected in a single row, on adjoining lots, with each unit having its own separate entrance.
    - ii. *Use-specific standards.* "Dwelling, Townhouse" must comply with the use-specific standards of "Dwelling, Single-Family Attached."
  - f. *Dwelling, two-family.*
    - i. *Definition.* One detached building on one lot designed for or occupied exclusively by two families and constituting two dwelling units. The definition includes the term "duplex."
3. *Public/institutional uses.*
- a. *Active outdoor recreation.*
    - i. *Definition.* Those outdoor activities with minimal environmental impact, no motors, and use of trails. Activities using trails include dog sledding, Nordic skiing, and trail hiking. Horseback riding and/or mountain biking are only allowed on trails suitable for intensive use and designated for those types of activities. For activities using trails, motorized equipment
  - b. *Community buildings and uses.*
    - i. *Definition.* Structures and land uses owned, leased, or operated by a municipal or state agency to serve a public purpose, such as community centers, public schools (elementary, middle, and high), public parking lots, and offices, but excluding private schools, transportation, maintenance, police and fire stations, and utility facilities or substations.
    - ii. *Use-specific standards.*
      - (A) *Intent.* Community buildings frequently used by the general public, such as a school or library, are community landmarks. It is intended for landmark public buildings to set a high architectural standard for the community.
      - (B) *Development and design standards.* Community buildings shall meet or exceed the site and building development design standards of sections 21.09.070 and 21.09.080 pertaining to commercial buildings.
  - c. *Passive outdoor recreation.*
    - i. *Definition.* Those outdoor activities with low environmental impact, are not intrusive, do not use motors and may not require trails. Activities not necessarily requiring trails include backcountry skiing, dog sledding, snowshoeing, off trail hiking, paragliding, blueberry picking, birding, and picnicking. This definition does not include activities involving vehicles or games such as paint ball.

- d. *Private school.*
    - i. *Definition.* Any building or group of buildings used for academic education for students between the kindergarten and 12th grade level, without major funding from any government agency.
  - e. *Visitor and information center.*
    - i. *Definition.* A facility providing information, interpretation, and educational services for visitors.
4. *Commercial uses.*
- a. *Alpine ski facility.*
    - i. *Definition.* A facility and related terrain utilized for alpine skiing and uses and facilities typically associated with the use and operation of such facility including, but not limited to:
      - i. Ski and snowboard runs and trails;
      - ii. Ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons;
      - iii. Snow making equipment/facilities;
      - iv. Ski patrol facilities;
      - v. Ski area administrative and ticketing offices;
      - vi. Special events directly associated with ski areas, such as ski races, snowboard races, snowmachine races, bicycle races, and concerts;
      - vii. Alpine slide;
      - viii. Nordic ski trails and facilities;
      - ix. Tubing hills;
      - x. Ski and equipment rental facilities and ski instruction facilities;
      - xi. Ice skating rinks;
  - b. *Camper park—Girdwood Only.*
    - i. *Definition.* A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles for travel, recreational, or vacation usage for short periods of stay. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses shall not include vehicle storage.
    - ii. *Use-specific standards.*
      - (A) *Interior roads.* One-way roads shall be at least 15 feet wide. Two-way roads shall be at least 20 feet wide. The turning radius in loops and turns shall be at least 30 feet.
      - (B) *Length of stay.* The occupants of space shall remain in the camper park a period a maximum of 30 days.
      - (C) *Amenities.*
        - (1) Toilet facilities shall be provided as follows: A minimum of one restroom/outhouse per 12 campsites. Each restroom/outhouse facility shall
- xii. Ski bridges; and
  - xiii. Supporting accessory structures. Alpine ski facility shall not include uses such as lodges, hotels, dwelling units, restaurants, retail shops, outdoor carts and vending areas, clinics, day care centers, offices, or high impact recreational uses such as go carts, golf courses and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

contain at least two toilets, separated for each sex.

- (2) A water outlet shall be provided in conjunction with each toilet facility. All water taps or outlets serving campsites shall be of a type compatible with garden hose connections.

- (3) One trash receptacle shall be provided for every four campsites. The receptacles shall be bear-proof.

(D) *Campsite specifications.*

- (1) Each recreational vehicle campsite shall contain a minimum of 2,000 square feet.

- (2) No campsite shall have direct vehicular access to a public road.

- (3) There shall be a vegetated buffer of at least 15 feet between each campsite.

- (4) Each campsite shall contain at least one reinforced surface parking space, level from side to side and with sufficient crown to provide adequate drainage. The dimensions of the parking space shall be at least ten feet wide by 40 feet long.

- (5) Each campsite shall have a picnic table.

c. *Hostel.*

- i. *Definition.* An overnight lodging facility containing between six and 19 guest rooms or up to

60 pillows. Sleeping accommodations may be dormitory-style and shared kitchen facilities may be available to the guests. A small hostel contains between six and ten guestrooms and up to 30 pillows. A large hostel contains between 11 and 19 guestrooms and up to 60 pillows.

d. *Inn.*

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

e. *Lodging reservations/auto rental check-in.*

- i. *Definition.* An office where lodging reservations may be made or where a person may check-in and pay for lodging when the lodging is not on site, or an office where an auto may be rented, when the auto is not stored on site.

f. *Tent campground.*

- i. *Definition.* A lot or parcel of land occupied or intended for temporary occupancy by tents only for travel, recreational, or vacation usage for short periods of stay. A potable water source is not required. No recreational vehicles are allowed.

- ii. *Location.* Tent campgrounds are a conditional use only in the GCR-3 and GIP districts.

iii. *Use specific standards.*

- (A) Each tent site shall contain a minimum of 800 square feet, with no dimension less than 20 feet.

- (B) To maintain an aesthetic camping atmosphere, density shall not exceed 20 sites per acre.
- (C) Each tent site shall contain at least one automobile parking space; the dimensions shall be at least ten feet wide by 20 feet long.
- (D) There shall be a vegetated buffer of at least 15 feet between each tent site.
- (E) Each tent site shall have a picnic table.
- (F) Toilet facilities shall be provided as follows: A minimum of one restroom/outhouse per 12 campsites. Each restroom/outhouse facility shall contain at least two toilets, separated for each sex.
- (G) One trash receptacle shall be provided for every six campsites. The receptacles shall be bear-proof.

shall only be produced within a wholly-enclosed permanent structure. Cottage craft production may occupy up to 1,500 square feet of gross building area, and an additional 150 square feet minimum gross building area on the same lot shall be devoted to the display and retail sale of the crafts produced. The retail/display area shall be located on the ground floor and in the front part of the building facing the primary street on where the lot is located.

- (B) *Prohibitions.* The outdoor storage of materials related to the production and sale of cottage crafts is prohibited. The use of equipment, materials, or processes creating hazards, noise, vibration, glare, fumes, or odors detectable to the normal senses off-site is prohibited.

5. *Industrial uses.*

a. *Cottage crafts.*

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

ii. *Use-specific standards.*

- (A) *Production and sale of cottage crafts.* Cottage crafts

b. *Land reclamation.*

- i. *Definition.* An operation engaged primarily in increasing land-use capability by changing the land's character or environment through fill or regrading. Land reclamation shall only include operations of more than one year, at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included in this definition. Reclamation plans that may be required for other activities, such as mining, are not included in this definition.

c. *Natural resource extraction, inorganic and/or organic.*

- i. *Definition.* The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations where rock byproduct is removed from the premises. This shall also include commercial or industrial operations involving removal of timber, native vegetation, peal, muck, topsoil, fill, sand, gravel or rock, or any other mineral and other operations with similar characteristics. This use includes only multi-year operations of a scale involving 50,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included in this definition. Mining activity under the auspices of federal patents to mineral estate and/or valid state and federal mining claims is not included in this definition.

C. *Accessory uses.*

1. *Table of allowed accessory uses.* Table 21.09.050-2 below lists the accessory uses allowed within all base zoning districts.
- a. *Explanation of table abbreviations.*
- i. *Permitted uses.*  
"P" in a cell indicates the accessory use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of title 21.
- ii. *Administrative site plan review.*  
"S" in a cell indicates the accessory use requires administrative site plan review in the respective zoning district in accordance with the procedures

of section 21.15.030, Approval of site plans and conditional uses.

iii. *Major site plan review.*

"M" in a cell indicates the use requires major site plan review in the respective zoning district. Until the provisions for major site plan review are adopted, an "M" in a cell indicates that the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.15.030, Approval of site plans and conditional uses.

iv. *Conditional use.*

"C" in a cell indicates, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.15.030, Approval of site plans and conditional uses.

v. *Prohibited uses.* A blank cell indicates the accessory use is prohibited in the respective zoning district.

vi. *Use-specific standards.* Regardless of whether an accessory use is allowed by right or subject to administrative site plan review, additional standards may be applicable to the use. The existence of use-specific standards is noted through a section reference in the last column of the table.

vii. *Unlisted accessory uses or structures.* An accessory use or structure not listed in Table 21.09.050-2 may be permitted, subject to compliance with all applicable regulations of this title.

b. *Table of allowed accessory uses.*



2. *Use-specific standards for accessory uses.*

a. *Accessory dwelling units.* Except as set forth below, the generally applicable accessory dwelling unit regulations contained in section 21.45.035., Accessory dwelling units (ADUs) shall apply. The regulations set forth below shall apply in addition to those contained in section 21.45.035. Except, in case of conflict, the regulations below shall govern.

i. *Maximum number of accessory units.* Except as provided in subsection ii., below, only one

accessory dwelling unit or bed and breakfast unit, as defined in chapter 21.35.020, shall be allowed on any single-family residential lot. The accessory dwelling unit may be a rental unit.

ii. *Accessory dwelling unit as bed and breakfast.* The accessory dwelling unit may be used as a bed and breakfast room, but the bed and breakfast facility is then limited to only one guestroom, the accessory dwelling unit.

iii. *Location.* An accessory dwelling unit shall be on the same lot as the primary dwelling unit. An accessory dwelling unit shall be attached to the single-family dwelling unit; if the lot is at least 16,800 square feet, the accessory dwelling unit may be detached from the primary dwelling unit.

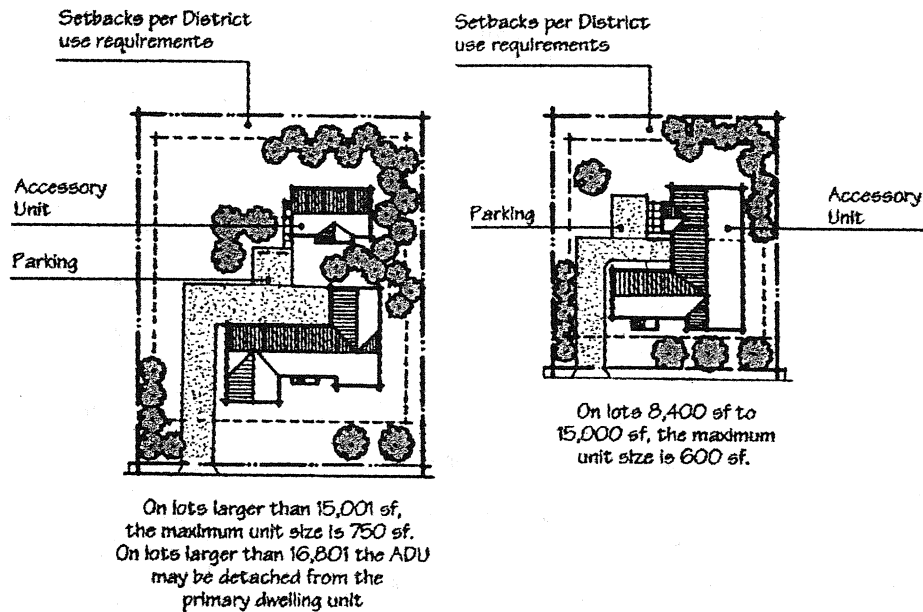


Figure 21.09-2: Accessory Dwelling Unit

iv. *Maximum square footage.* The minimum square footage for an accessory dwelling unit is 300 square feet. The maximum square footage for an accessory

dwelling unit is 600 square feet, on a lot up to 15,000 square feet and 750 square feet, on a lot over 15,000 square feet; provided, however, that in the

- gRST-1 and gRST-2 districts, the maximum square footage for an accessory dwelling unit is 750 square feet on a single-family residential lot. The accessory dwelling unit shall not, however, exceed 50 percent of the gross floor area of the primary dwelling unit.
- v. *Floor area ratio; density.* The floor area of the accessory dwelling unit is included, along with the floor area of the primary dwelling unit, in calculating the floor area ratio on the lot, but the accessory dwelling unit is not included in calculating the average density for a new single-family subdivision.
  - vi. *Parking.* In addition to the parking requirements for the primary dwelling unit, one off-street parking space shall be provided for each accessory dwelling unit of 600 square feet or less, and two off-street parking spaces shall be provided for an accessory dwelling unit larger than 600 square feet.
  - vii. *Owner occupancy.* Either the principal dwelling or the accessory unit on any site shall be occupied by the owner of the principal dwelling or owner of the lot where the accessory unit is located.
  - viii. *Architectural compatibility.* An accessory dwelling unit, whether attached to or detached from the primary dwelling unit, shall be compatible in style and materials with the primary dwelling unit.
  - ix. *New accessory dwelling unit where single-family dwelling unit already in existence.* A new accessory dwelling unit to be constructed on a lot with an existing single-family dwelling unit shall conform to all development and dimensional standards in the applicable zone district regulations.
- b. *Drive-through service.*
    - i. *Definition.* The physical facilities of an establishment that encourage or permit customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
    - ii. *Use-specific standards.* Restaurants with drive-through service are only permitted in the gC-2 district.
  - c. *Private outdoor storage of non-commercial equipment.*
    - i. *Definition.* The private storage of non-commercial equipment, including non-commercial trucks, recreational vehicles, boats, aircraft, off-road vehicles, or travel trailers.
3. *Prohibited accessory uses and structures.* Connex trailers, railroad box cars, and the like are prohibited in residential districts.
    - D. *Definitions.* The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
      1. *Building envelope:* The developable space within any lot defined by the setbacks.
      2. *Channel sign:* A sign consisting of letters, symbols, or other, shapes, where only such letters, symbols, or other shapes are illuminated.
      3. *Commercial vehicle:* A vehicle with a gross vehicle weight rating (GVWR) of 11,000 pounds or more.



4. *Floor area ratio (FAR)*: The maximum gross floor area of all buildings on a lot or parcel, divided by the area of the lot or parcel.

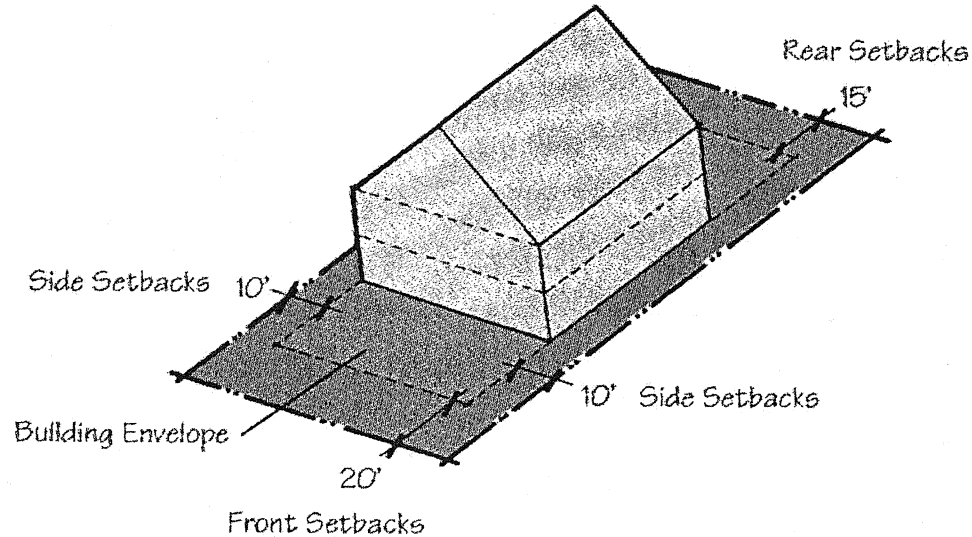


Figure 21.09-3: Floor Area Ratio (FAR) Example

*Lot size:* 10,400 square feet

*FAR:* 0.5

*Maximum gross building area:* 5,200 square feet

Illustration assumes no useable space under the eaves (in the attic).

5. *Permeable surface*: An area of ground, by reason of its physical characteristics and the characteristics of materials covering it, able to absorb rain or surface water at a rate equal or greater than lawn turf. Examples include natural vegetation, lawn turf, landscape beds, gardens, mulch, decorative gravel, and some types of porous pavements.
6. *Pillow*: A sleeping accommodation for one person.
7. *Sight distance triangle*: The roadway area visible to the driver; the required length is the distance necessary to allow safe vehicular egress from a street, driveway, or alley to a major street. The criteria for determining required sight distance is set forth below.

The sight distance triangle is shown in figure 21.09-4 and described as follows:

- Point A is located on the minor approach 15 feet from the edge of a major road travelway.
- Point B<sub>1</sub> is located in the center of lane 1.
- Point B<sub>2</sub> is located in the center of lane 2.
- Points C<sub>1</sub> and C<sub>2</sub> are located based on the design speed of the major road.
- Point A is connected to points C<sub>1</sub> and C<sub>2</sub> by straight lines.

Design Speed	Sight Distance
60 mph	650 ft.
50 mph	515 ft.
40 mph	415 ft.
30 mph	310 ft.
20 mph	210 ft.

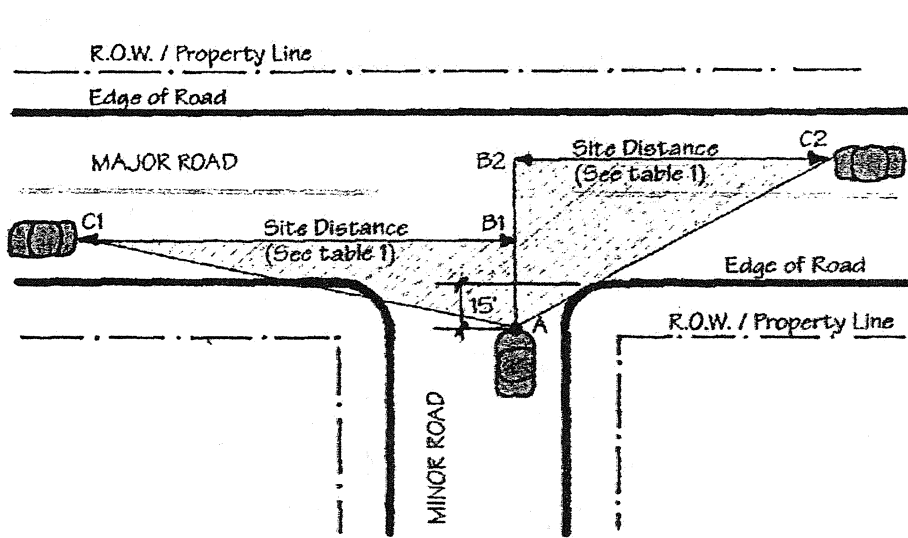


Figure 21.09-4: Sight Distance Triangle

- 8. *Sno-cat skiing*: Skiing in remote areas where access is provided by sno-cats or similar vehicles.
- 9. *Storage*: Items placed in substantially the same location for more than ten days.
- 10. *Tree*: A woody perennial plant with a single main stem. In Girdwood, a large tree is 18 inches in diameter or more at breast height (DBH).
- 11. *Tree canopy*: The area, in square feet, of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area covered by the branch spread of a single tree or clump or grove of trees.

(AO No. 2005-81(S), § 1, 11-1-05; AO No. 2008-6, § 2, 1-22-08)

**21.09.060 Dimensional standards.**

A. *Applicability*. All structures that legally exist on November 1, 2005 shall be considered conforming with respect to setbacks. Any additions to the footprint of those structures, including but not limited to cantilevers, decks over 30 inches, and overhangs, shall conform to this title.

B. *Dimensional standards tables.* All primary and accessory structures are subject to the dimensional standards set forth in the following tables. Bracketed numbers refer to additional specific standards at the bottom of each table. These general standards may be further limited or modified by other applicable sections of title 21.

1. *Table of dimensional standards: residential districts.*

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (sq. ft.)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio
<b>gR-1 Alyeska Highway mixed residential district</b>								
Dwelling, multi-family	19,800 for 3 units, add 4,000 for each additional unit	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq. ft.
Dwelling, single-family attached	Sec 21.09.050B.2.c.							
Dwelling, single-family detached	10,400	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq. ft.
Dwelling, townhouse	See 21.09.050B.2.c.							
Dwelling, two-family	16,800	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq. ft.
Roominghouse	19,800	70 feet	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq. ft.; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater 0.50 for lots ≤ 12,500 sq. ft.
Community buildings and uses	10,400							
Religious assembly	20,800							
Hostel or inn	1.5 acres							
All other allowed uses	10,400							
<b>gR-2; Single-family/two-family residential district</b>								
<b>gR-2A: Single-family/two-family residential district (Crow Creek Road)</b>								

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRLWOOD RESIDENTIAL DISTRICTS										
Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height				
	Min Area (sq. ft.)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio		
Dwelling, single-family detached	10,400; or 50,000 without sewer	70 feet; 100 feet without sewer	20 feet [1]	10 feet [2]	15 feet; or 20 feet for lots > 1 acre [2]	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater		
Dwelling, two-family	16,800; or 50,000 without sewer							0.50 for lots ≤ 12,500 sq ft		
Community buildings and uses	10,400	70 feet; 100 feet without sewer	20 feet [1]	10 feet	15 feet; or 20 feet for lots > 1 acre	35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater		
Religious assembly	20,800							0.50 for lots ≤ 12,500 sq ft		
All other allowed uses	10,400							0.50 for lots ≤ 12,500 sq ft		
<b>gR-3: Single-family/two-family residential district</b>										
Dwelling, single-family attached	See 21.09.050B.2.c.									
Dwelling, single-family detached	8,400; or 50,000 without sewer	70 feet; 100 feet without sewer	(same as "Dwelling, two-family" below)			35 feet	25% for lots larger than 15,000 sq. ft.; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater		
Dwelling, townhouse	See 21.09.050B.2.c.									
Dwelling, two-family	16,800; or 50,000 without sewer	70 feet; 100 feet without sewer	For lots ≤ 21,780 sq ft: front: 20 feet side: 10 feet rear: 15 feet			35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater		
Community buildings and uses, except educational facilities	8,400; or 50,000 without sewer		For lots 21,781-43,560 sq ft: front: 25 feet side: 15 feet rear: 20 feet					0.50 for lots ≤ 12,500 sq ft		
Religious assembly	20,800		For lots > 43,560 sq. ft.: front: 30 feet side: 20 feet rear: 30 feet					35 feet	25% for lots larger than 15,000 sq ft; 30% otherwise	0.45 for lots > 12,500 sq. ft., or 6,250 sq. ft., whichever is greater
Private schools	16,800									
Inn	1.5 acres; or 5 acres without sewer									
All other allowed uses	8,400; or 50,000 without sewer									
<b>gR-4: Multi-family residential district</b>										

TABLE 21.09.060-1: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESIDENTIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks			Building Bulk and Height		
	Min Area (sq. ft.)	Min. Width	Front	Side	Rear	Max Height	Max Lot Coverage (%)	Max Floor Area Ratio
Dwelling, multi-family	12,500	70 feet	20 feet [1]	10 feet [2]	10 feet [2]	35 feet	40%	n/a
Roominghouse	10,400	70 feet	20 feet [1]	10 feet	10 feet	35 feet	40%	n/a
Community buildings and uses	10,400							
Religious assembly	20,800							
All other allowed uses	10,400							
<b>gR-5: Multi-family residential district</b>								
Dwelling, multi-family	20,000	100 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a
Dwelling, single-family attached	See 21.09.050B.2.c.							
Dwelling, single-family detached [3]	50,000	100 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a
Dwelling, townhouse	See 21.09.050B.2.c.							
Religious assembly	20,800	80 feet	25 feet	15 feet	20 feet	35 feet	40%	n/a
All other allowed uses	10,400							
ADDITIONAL SPECIFIC STANDARDS:								
[1] <u>Alyeska Highway Setbacks</u> : Minimum setback of 25 feet is required from any property line abutting the Alyeska Highway, but if the property extends into the road, the 25-foot setback shall be measure from the edge of the road easement.								
[2] <u>Side and rear setback flexibility</u> : Side setbacks may be reduced by five feet on one side of the lot, but the amount of setback reduction shall be added to the opposite side setback. Rear setbacks may be reduced by five feet, but the amount of reduction shall be added to the front setback.								
[3] <u>Single-family dwellings in gR-5</u> : Single-family detached dwellings in the gR-5 are subject to the provisions of 21.09.040B.f.iii.(B).								

2. *Table of dimensional standards: commercial districts.*

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD COMMERCIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks (ft.)			Bulk, Height and Density		
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max. Dwelling Units/Acre
<b>gC-1: Seward Highway/West Alyeska Highway Commercial District</b>								
All uses	6,000	50 ft	20 [2]	20 [3]	20	2 stories not to exceed 35 ft	70%	n/a
<b>gC-2: Girdwood Station/Seward Highway Commercial District</b>								
All uses	6,000	50 ft	13 [2]	10 [3]	20 [4]	2 stories not to exceed 35 ft	70%	n/a
<b>gC-3: Old Townsite Commercial/Residential District</b>								
All uses	6,000	50 ft	13 [2]	10 [3]	10 [4]	[1]	2,500 square feet or 50%, whichever is greater	n/a

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD COMMERCIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks (ft.)			Bulk, Height and Density		
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Max. Dwelling Units/Acre
<b>gC-4: Lower Alyeska Highway Commercial District</b>								
All uses, ≤ 21,780 Sq. Ft.	10,400	80 ft.	25 [2]	10 [3]	15 if lot size < 1 acre: 20 if lot size is ≥ 1 acre	35 ft	40%	20
All uses, > 21,781 Sq. Ft.				10 [3]				

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD COMMERCIAL DISTRICTS								
Uses	Lot Dimensions		Minimum Setbacks (ft.)			Bulk, Height and Density		Max. Dwelling Units/Acre
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	
<b>gC-5: New Townsite South Commercial District</b>								
All uses, ≤ 21,780 Sq. Ft.	8,400	80 ft.	16 [2]	10 [3]	20	35 ft.	50%	20
All uses, 21,781 Sq. Ft. — 5 acres			16 [2]	20 [3]	25			
All uses, > 5 acres			16	30 [3]	30			
<b>gC-6: Crow Creek Road Commercial/Residential District</b>								
All uses	8,400; or 50,000 without sewer	70 ft	18	10; or 15 if lot size > 21,781 sq ft [3]	15	35 ft	40%	20
<b>gC-7: Townsite Square Commercial District</b>								
All uses	6,000	50 ft	16 min: 20 max [5]	Zero setback permitted on one side [3] and in accordance with 21.09.040C, 2.g.iii.(D). if applicable; otherwise 10	15	[1]	70%	20
<b>gC-8: New Townsite North Commercial District</b>								
All uses	6,000	50 ft.	16 min; 20 max [5]	10 [3]	10	35 ft	60%	20
<b>gC-9: East Hightower Commercial/Residential District</b>								
All uses	6,000	50 ft	16 min; 20 max [5]	10 [3]	10	35 ft	60%	20
<b>gC-10: Upper Alyeska Highway Commercial District</b>								
All uses, ≤ 21,780 Sq. Ft.	8,400	60 ft	20 [2]	15 [3]	20	35 ft	70%	20
All uses, 21,781 Sq. Ft. — 5 acres			20 [2]	20 [3]	20			
All uses, > 5 acres			30 [2]	30 [3]	30			
<b>ADDITIONAL SPECIFIC STANDARDS:</b>								
[1]: For structures with only commercial uses: Two stories not to exceed 35 feet. For structures with only residential uses: 35 feet. For structures with commercial uses on the ground level and residential uses above; second (2nd) story may include loft space not a separate dwelling unit and maximum height is 35 feet.								
[2]: <u>Alyeska Highway Setbacks</u> - Minimum setback of 25 feet is required from any property line abutting the Alyeska Highway, but if the property extends into the road, the 25-foot setback shall be measured from the edge of the road easement.								
[3]: <u>Zero Lot Line Setbacks</u> - Where adjoining property owners agree to connect buildings or cooperate in the design of a public passageway or courtyard between them, a zero lot line side set-back is allowed on one side.								
[4]: <u>Alley Exemption</u> - Where a platted alley right-of-way abuts a parcel, there shall be no required setback along the property line.								
[5]: <u>Maximum Front Setback Exception</u> - Limited portions of building frontage may, subject to administrative site plan review, be allowed to step back further than the maximum allowed front setback to create small usable public spaces in the front of a building.								

3. *Table of dimensional standards: industrial districts.*

TABLE 21.09.060-2: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD INDUSTRIAL DISTRICTS							
Use	Lot Dimensions		Minimum Setbacks (ft.)			Building Bulk and Height	
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Maximum Lot Coverage	Maximum Height
<b>gI-1: Ruane Road Industrial District [1]</b>							
All uses, ≤ 1 acre	10,400	80 ft.	20	10	10	Unrestricted	25 feet
All uses, > 1 acre			25	15	15		
<b>gI-2: Upper Crow Creek Industrial District [1]</b>							
All uses	50,000	150 ft	25	15	15	Unrestricted	35 feet
<b>ADDITIONAL SPECIFIC STANDARDS:</b>							
[1]: Minimum setback along any property line contiguous with the GOS district is 20 feet for lots less than or equal to one acre in gI-1 and 30 feet for all other lots in gI-1 and gI-2 districts.							

4. *Table of dimensional standards: resort districts.*

TABLE 21.09.060-4: TABLE OF DIMENSIONAL STANDARDS GIRDWOOD RESORT DISTRICTS								
Use	Lot Dimensions		Minimum Setbacks (ft.)			Bulk, Height and Density		
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage	Maximum Floor Area Ratio
<b>gRST-4: Original Mountain Base Resort District</b>								
All uses	8,400	60 feet	13 feet [1]	10 feet; or 20 feet if lot size > 0.5 acre [2]	20 feet	40 feet	50%	0.7 [3]
<b>gRST-2: New Base Resort District</b>								
All uses	8,400	80 feet	13 feet [1]	10 feet; or 20 feet if lot size > 0.5 acre [2]	20 feet	75 feet	50%	0.7 [3]
<b>ADDITIONAL SPECIFIC STANDARDS:</b>								
[1]: <u>Arlberg Road Setbacks</u> - The minimum setback along any property line abutting Arlberg Road is 30 feet.								
[2]: <u>Zero Lot Line Setbacks</u> - Where adjoining property owners agree to connect buildings or cooperate in the design of a public passageway or courtyard between them, a zero lot line setback is allowed on one side. Buildings connecting on the property line shall appear on the exterior to be two different buildings.								
[3]: <u>FAR Incentives for Structured Parking</u> - Maximum FAR may be increased from .7 to 1.35 for uses in where structured or underground parking is provided.								

5. *Table of dimensional standards: other districts.*

TABLE 21.09.060-5: TABLE OF DIMENSIONAL STANDARDS OTHER GIRDWOOD DISTRICTS							
Use	Lot Dimensions		Minimum Setbacks (ft.)			Building Bulk and Height	
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage
<b>GA: Girdwood Airport District</b>							
All uses, ≤ 1 acre	10,400	80 ft.	20	10 [1]	10 [1]	25 feet	Unrestricted
All uses, > 1 acre			25	15 [1]	15 [1]		



TABLE 21.09.060-5: TABLE OF DIMENSIONAL STANDARDS OTHER GIRDWOOD DISTRICTS							
Use	Lot Dimensions		Minimum Setbacks (ft.)			Building Bulk and Height	
	Min Area (Sq. Ft.)	Min. Width	Front	Side	Rear	Max. Height	Max. Lot Coverage
<b>GOS: Girdwood Open Space District</b>							
All uses	10,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GIP: Girdwood Institutions and Parks District</b>							
All uses	8,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	30%
<b>GCR-1: Commercial Recreation (Lower Valley Development Reserve) District</b>							
All uses	All dimensions same as gR-2.						
<b>GCR-2: Commercial Recreation (Glacier-Winner Creek) District</b>							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GCR-3: Commercial Recreation (Crow Creek Historic Mine) District</b>							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GDR: Development Reserve District</b>							
All uses	10,400	70 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GRR: Recreation Reserve District</b>							
All uses	10,400	70	25	25	25	2 stories, not to exceed 35 ft	10%
<b>GW: Girdwood Watershed District</b>							
All uses	50,000	100 ft	25	25	25	2 stories, not to exceed 35 ft	10%
<b>ADDITIONAL SPECIFIC STANDARDS:</b>							
[1]: In the Girdwood Airport district, the minimum setback along any property line contiguous with the GOS district shall be 20 feet, if the lot is less than or equal to one acre, and shall be 30 feet, if the lot area is greater than one acre.							

(AO No. 2005-81(S), § 1, 11-1-05)

### 21.09.070 Site development and design standards.

A. *Purpose and general goals.* The purpose of the standards is to ensure new development avoids adverse impacts on the environment and natural resources while maintaining and enhancing the appearance and character of the valley. Specific purposes of the standards include:

1. To help maintain high quality living environments, small-town character, and the presence of the natural landscape within Girdwood neighborhoods;
2. To preserve and reinforce the unique natural qualities of the site, to fit the building into the land to leave its natural landforms and features intact; and
3. To treat the building as an integral part of the natural environment and an attractive addition to the Girdwood community.

B. *Applicability.* Except as specified below, all development in Girdwood shall comply with the following development and design standards. The standards shall apply in addition to any standards, contained in chapter 21.45, Supplementary District Regulations. In case of any conflict, the standards in this section shall apply.

Alternative development standards proposed through the master area planning and/or master development planning process shall be equivalent to or exceed the generally applicable development standards and shall result in high-quality, environmentally sensitive development, keeping with the intent of this chapter and the character of Girdwood.

C. *Hazard areas.* All development lots, except for lots to be developed with ski slopes, platted after [date of adoption] shall comply with the following standards:

1. No lot shall be located entirely within a high hazard avalanche area or rockfall area, or have an average slope of greater than 35 percent; and
2. A lot located so that portions of the lot are within a high hazard avalanche area or a rockfall area, or where portions of the lot are steeper than 35 percent, shall be designed so that there is an adequate building site which is outside of the above-listed areas.

D. *Grading and drainage.*

1. *Intent.* This section is intended to set basic standards for grading and drainage, to reduce the drainage impacts from new development on existing development.
2. *Applicability.* This section shall apply to all new development in Girdwood.
3. *Grading.* Grading required for development shall mimic natural forms and blend into the existing landscape on the site. After completion of grading, restoration of slopes to natural-appearing conditions is required.
4. *Drainage and storm-water run-off.* Run-off from a site shall be controlled and directed to drainage ditches in the road right-of-way or to drainage swales at the property line. Pre-existing drainage patterns onto neighboring lots may be main-

tained, but additional drainage shall not be directed onto neighboring lots as the result of new development.

E. *Landscaping, vegetation and tree retention.*

1. *Intent.* An important characteristic of Girdwood is the forested landscape and the continuity of natural habitats. The purpose of this section is to retain trees and natural vegetation by specifying the quantity of vegetation required in a development.
2. *Permit required.* Clearing and grubbing of any lot or tract shall not exceed 6,000 square feet without first obtaining a land use permit and, if necessary, any other development approvals required by this chapter and title 21.
3. *Applicability.* This section, establishes the minimum vegetation coverage standards for multifamily residential and non-residential subdivision of two or more lots. Except for subsections 6.b. and 8, below, these standards shall not apply to existing single-family lots or in the gR-1, gR-2, gR-2A, and gR-4 districts.
4. *Minimum vegetation coverage.*
  - a. *Amount.* The standards given in Table 21.09.070-1 are the minimum percentage of any lot to be maintained as natural vegetation, as defined at 21.09.070E.3.c, and permeable surface, as defined at 21.09.050D.5.

**TABLE 21.09.070-1: Minimum Vegetation Coverage, by Use**

	Single-family or Two-family Residential	Multifamily Residential	Commercial or Public/ Institutional	Industrial
Natural Vegetation	30%	20%	10%	5%
Total Permeable Surface, including Natural Vegetation	50%	40%	20%	10%

- b. *Location and dimensions.* Required vegetated areas may be located anywhere on the site or lot. Individual vegetated areas shall be a minimum of 200 square feet, with no dimension less than ten feet.
  - c. *Natural vegetation.* Natural vegetation means either existing vegetation left in its natural state, or landscaping provided according to the following:
    - i. Evergreen trees a minimum of five feet high, with a ratio of height to spread no less than five to three, and deciduous trees a minimum of eight feet high, with a caliper no less than one and one-half inches, planted at average intervals not greater than 15 feet on center. No more than 50 percent of the trees may be deciduous.
    - ii. Three shrubs per tree, each shrub a minimum of 18 inches in height, and ground cover or mulches, placed so that the ground will be covered within three years.
5. *Planting materials.* All new trees planted for required landscaping shall have the following characteristics:
- a. *Evergreen trees.* Evergreen trees shall be native Alaska species. Sitka spruce and hemlock are encouraged to be used because of their predominance and adaptability for survival in Girdwood. If nursery grown, the trees shall be a minimum of five feet in height, with a ratio of height to spread not less than five to three. Field collected specimens shall be a minimum of 24 inches in height.
  - b. *Deciduous trees.* Deciduous trees shall be a minimum of eight feet in height and one and one-half inches caliper.
6. *Setback area vegetation.*
- a. *General.* The purpose of this section is to retain vegetation in setbacks and along street frontages. Required vegetation for setbacks may be used to count toward vegetation coverage requirements in subsection 3., above.
  - b. *Alyeska Highway frontage setback vegetation.* All vegetation within 25 feet of the Alyeska Highway right-of-way shall be retained, except to accommodate a driveway, a utility easement, or utilities located by permit.
  - c. *Buffering non-similar uses.* Setbacks between commercial/industrial and residential properties, and between multifamily and single/two-family residential properties, shall be retained as natural vegetation areas.
7. *Tree protection during construction.*
- a. *Ski trail construction.* Trees designated to be retained to comply with this section shall be delineated through such methods as paint marking or flagging.
  - b. *Other construction.* Trees designated to be retained to comply with this section shall be protected during construction by use of sturdy fencing or other firm barriers placed at the drip line. Grading is not permitted within ten feet of the trunk, or within the critical root zone (drip line), which-

ever is greater, of any tree to be retained as part of the natural vegetation requirement.

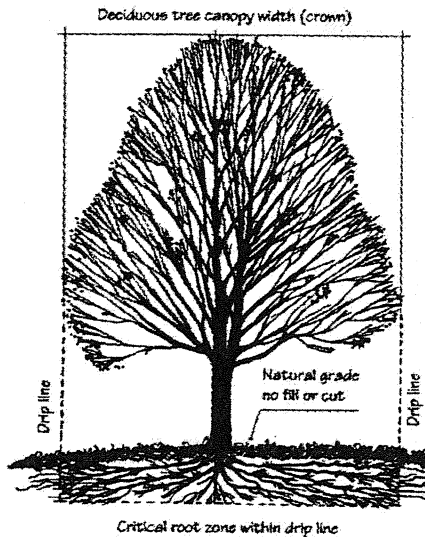


Figure 21.09-5: Critical Root Zone

**Figure 21.09-5: Critical Root Zone**

8. *Re-vegetation of disturbed areas.* All ground surfaces on the site, disturbed during construction and not to be occupied by buildings, structures, storage yards, drives, walks, pedestrian areas, off-street parking or other authorized installations, shall be revegetated with plant material of the landowner's choice. However, the plant materials shall not be invasive plants as listed in the Selected Invasive Plants of Alaska booklet produced by the United States Department of Agriculture and the Forest Service, Alaska Region. To promote re-vegetation, biodegradable erosion control netting or mulch blanket shall be used on disturbed slopes steeper than 3:1 (run to rise). Slopes shall be stabilized and re-seeded before September 1. The re-seeding material shall be erosion con-

trol vegetation, such as those with aggressive, non-sod-forming, rooting habits. Ski slopes are exempted from this provision.

**F. Transportation and connectivity.**

1. *Street types.* The three street types are arterial, collector, and local, as set forth in the Official Streets and Highways Plan.
2. *Municipal street standards.* All collector and local streets shall meet the standards and requirements set forth in the Design Criteria Manual, except as specifically provided otherwise in this chapter, to preserve and enhance the unique character and aspirations of Girdwood.
3. *Collector streets—General.* Except as provided in section 4. below, a collector street has the following attributes:
  - a. The street shall be paved over an engineered base; and
  - b. Paved shoulders shall be provided; and
  - c. Swales or drainage ditches on each side of the street shall be provided to accommodate surface drainage and snow storage; and
  - d. Swales and drainage ditches shall be planted with natural grasses and/or hardy perennials; and
  - e. A paved pedestrian path/bikeway shall be provided on at least one side of the street and detached if possible; and
  - f. Buffers of native vegetation shall be retained on both sides of the street; and
  - g. On-street parking shall be prohibited, except where allowed in subsection 4., below; and
  - h. Driveways, subject to subsection 21.09.070N., are permitted as follows: Swale and drainage ditch crossings shall use culverts.

- i. The dimensions of the collector street cross-section shall be as illustrated below:

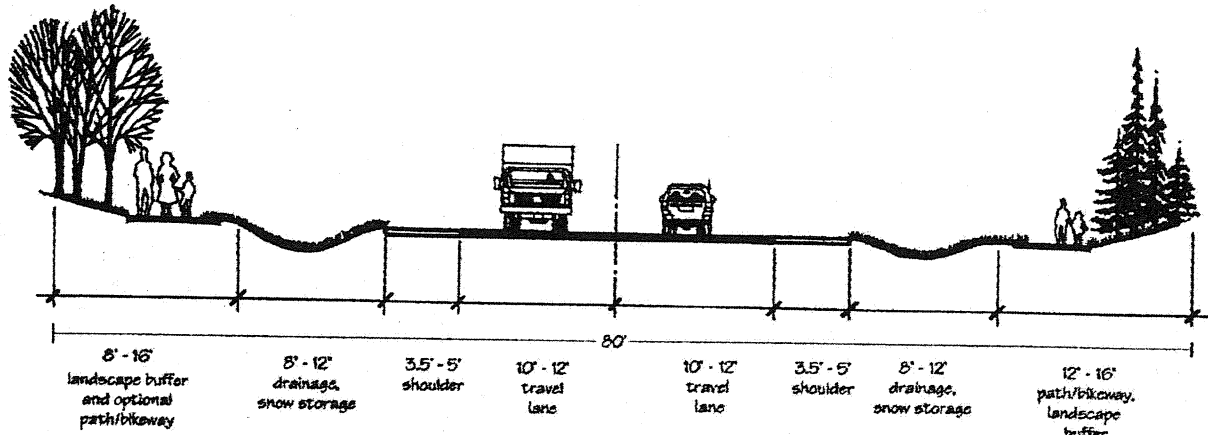


Figure 21.09-6: Collector Street Dimensions

Figure 21.09-6: Collector Street Dimensions

4. *Townsite commercial area streets.* Streets in commercial townsite areas shall differ in design from the general street standards in order to support the main street commercial and mixed-use environments intended for the old and new townsite areas. Townsite streets have the following attributes:
  - a. The street shall be paved over an engineered base; and
  - b. Curb and gutter shall be provided where practicable; and
  - c. The street shall be designed to accommodate on-street parking to the maximum extent feasible; and
  - d. A paved sidewalk seven feet or greater in width shall be provided on both sides of the street, and may be back-of-curb; and
  - e. Individual driveways for each individual lot are discouraged, in order to limit the number of curb cuts, minimize pedestrian-vehicle conflicts, increase the continuity of main street pedestrian networks, and maximize the number of on-street parking spaces.
5. *Local residential streets.* A local residential street has the following attributes:
  - a. The street shall be paved, or shall be a non-dust-generating non-porous material, such as RAP or chip-seal, over an engineered base; and
  - b. Swales or drainage ditches on each side of the street shall be provided to accommodate surface drainage and snow storage; and
  - c. Swales and drainage ditches shall be planted with natural grasses and/or hardy perennials; and
  - d. A pedestrian path/bikeway of at least five feet in width and either paved, or treated with a non-dust-generating material, shall be provided on at least one side of the street and detached if possible; and
  - e. Driveways, subject to section 21.09.070N., are permitted.

f. The dimensions of the local street cross-section shall be as illustrated below:

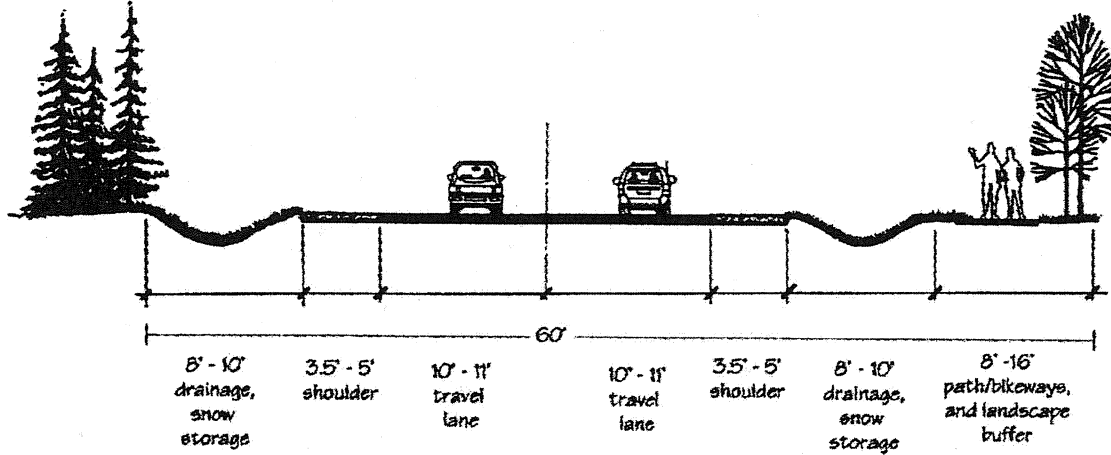


Figure 21.09-7: Local Residential Street Dimensions

Figure 21.09-7: Local Residential Street Dimensions

6. *Neighborhood connectivity and distribution of traffic.*

a. *Purpose.* The purpose of the standards is provide a well-connected street grid. The design requirements do not mandate a rectilinear or uniform grid; the requirements shall, however, result in a network distributing traffic evenly and equitably, and ensuring good access for emergency services equipment. Such a street network reduces the daily miles of vehicular travel in the valley by providing direct, non-circuitous routes for drivers and by encouraging walking and bicycling.

b. *Connectivity standards.*

i. Within contiguous residential and commercial developments, no local street may be developed longer than 450 feet, unless the street is connected to another street at each end.

ii. Within contiguous residential and commercial developments, local streets shall have at least nine intersections per mile.

G. *Lighting.*

1. *Street and trail lighting standards.*

a. *Applicability.* This section applies to street and trail lighting, and is subject to the provisions of the Design Criteria Manual, except as specifically provided in this section, in order to preserve and enhance the unique character and aspirations of Girdwood. This section does not apply to site lighting, including alpine ski slope lighting. The lighting standards in this section do not apply to state-maintained roads.

b. *Location.* Street lights shall be installed where required by the traffic engineer for vehicle and/or pedestrian visibility and safety. Street lighting on local residential streets should be avoided if possible.

c. *Lighting color.* Fixtures for street and trail lighting shall use white light sources with a color rendering index (CRI) of 65 or greater.

d. *Poles.*

i. *Local streets and intersections.* Street light poles at intersec-

- tions of local streets with local streets, and along local streets, shall not exceed 20 feet in height.
- ii. *Collector streets and intersections.* Street light poles at intersections of collector streets with collector streets, and of collector streets with local streets, shall not exceed 25 feet in height.
- iii. *Arterial streets.* Street light poles along arterial streets shall not exceed 35 feet in height.
- iv. *Trails.* Trail light poles shall not exceed 16 feet in height. Poles shall be of treated wood or painted metal.
- e. *Fixtures.* Street and trail lighting shall be full cut-off, as defined by the Illuminating Engineering Society of America (IESNA).

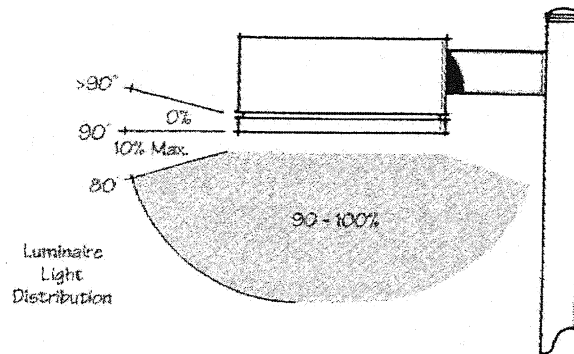


Figure 21.09-8: Full Cut-off Luminaire

Figure 21.09-8: Full Cut-off Luminaire

- f. *Trail lighting.* Pedestrian trails along collectors and arterials shall be lit.
2. *Exterior site lighting.*
- a. *Applicability.* This section shall apply to site lighting, building lighting, and parking lot lighting in all developments, except for alpine ski slopes and single- and two-family developments.
- b. *Light poles.* Light poles shall not exceed 14 feet in mounting height, except light poles for parking areas in the gC-1, gC-2, gI-1, and gI-2 districts may be up to 20 feet in mounting height. Poles shall be non-reflective, neutral and dark in color, blending into the site's nighttime backdrop.
- c. *Shielding, glare and light trespass.* Exterior site and building wall lighting shall be designed and located to direct light toward the ground, to minimize glare or light trespass onto adjacent properties or light pollution in the valley. The light source shall not be visible at the property line, provided, however, light fixtures for walkways may have a visible light source if diffused by a translucent cover, such as frosted glass. Upward-directed exterior lighting is prohibited, unless the light beam is directed only toward, and is contained within, the mass of the ceiling, wall, tree or other feature to be illuminated.
- d. *Lighting color.* Fixtures for area lighting shall use white light sources,

such as one of the following, without limitation: Color corrected metal halide, induction, compact fluorescent, incandescent (tungsten-halogen), or high-pressure sodium with a color rendering index (CRI) of 65 or greater. Lights at building entrances, steps, stairs, ramps, driveway crossings and entrances to parking structures or garages may be incandescent. Aesthetic landscaping or building facade lighting is exempt from color restrictions.

- e. *Parking lot and display lot lighting.* Parking lot and display lot lighting fixtures shall be full cut-off fixtures, as defined by the Illumination Engineering Society of North America.
- f. *Athletic playing fields.* The standards set forth in this section shall not apply to lighting of public athletic playing fields.

#### H. *Pedestrian circulation.*

1. *Applicability.* All multiple-family residential and non-residential developments shall meet the minimum standards of this section.
2. *Walkway system—Residential.* In multi-family projects, and in attached single-family and two-family dwelling projects containing more than two residential buildings, paved and lighted walkways shall be provided from individual units or common building entries to parking areas and to paved public trails or sidewalks abutting the property. The maximum grade on pedestrian walkways is five percent without a handrail, or eight percent if a handrail is provided.
3. *Walkways system—Public / institutional and commercial uses.* Walkways shall connect parking areas to sidewalks and building entrances. There shall be a connecting walkway between all buildings in a multiple building development. Walkways and sidewalks shall have an unobstructed width of no less than five feet. When walkways adjoin areas used by vehicles for driving

or parking, walkways shall be defined by curbs, plant beds, bollards, or other materials, to create a well-defined physical separation between the uses.

4. *Weather protection.* Exterior stairways to habitable upper levels, and any pedestrian walkways exposed to snow shedding from roofs, shall be covered.

#### I. *Fences and walls.*

1. *Fences in residential districts.* Fences up to eight feet in height are permitted in side and rear setback areas, where needed for child safety, privacy, security, or animal control. However, in no case shall fences extend into the setbacks for more than 30 percent of the total linear perimeter of the lot. Fences are prohibited in the front setback.
2. *Walls in nonresidential sites.* Low walls on any nonresidential site shall be of local stone, or stone of comparable appearance, or heavy timber wide enough to allow for comfortable seating when located adjacent to walkways. When connected to a building, the wall shall duplicate the building base material.
3. *Fences and walls in commercial districts.* Fences less than 42 inches in height may be constructed in front setbacks. Except as otherwise provided in the gC-7 district-specific standards, fences and free-standing walls, up to six feet high, may be constructed within the side and rear setbacks. Fences associated with golf driving ranges are exempt from this section.
4. *Fences and free-standing walls in industrial districts.* Fences and freestanding walls up to eight feet high may be constructed within side and rear setbacks. A fence up to eight feet high may be constructed in the front setback, but it shall not be sight-obscuring.

#### J. *Utilities and utility equipment standards.*

1. *Commercial, industrial, and multiple-family residential.*
  - a. *Undergrounding of utilities.* New utilities, including electrical distribu-



tion lines, shall be placed underground. Utility easements shall be dedicated to allow future access to the underground lines. Existing and proposed utility lines shall be depicted on the site plan.

- b. *Location of underground utilities in gR-3 and gR-5 Districts.* Underground utility lines in the gR-3 and gR-5 districts shall avoid disturbing natural vegetation, and shall be placed in the right-of-way in front of lots, and not along side or rear lot lines, except where needed to create looped systems. Pad-mounted facilities may be located in easements abutting rights-of-way.
  - c. *Location of above-ground utilities.* Above-ground utility enclosures, such as transformers, major telephone equipment boxes, and similar facilities, shall be located a minimum of 20 feet from entrances to dwelling units, driveways, or garage entrances. Above-ground utilities shall be located to minimize visibility from entries, and above-ground utilities not mounted on the building shall be screened with vegetation. Electric and gas meters and fire sprinkler risers shall be located within the building service area for structures with a separate service entry or, in the absence of a separate service entry, on side or rear walls.
  - d. *Design standards for above-ground utilities.* Except as necessary for safety and maintenance, above-ground utility boxes shall be screened from the road right-of-way with vegetation or with screening constructed of stone, wood, or textured concrete block.
2. *Single-family residential.*
    - a. *Undergrounding of utilities.* New utilities, including electrical distribution lines, shall be placed underground. Utility easements shall be

dedicated to allow future access to the underground lines. Existing and proposed utility lines shall be depicted on the site plan.

- b. *Alyeska Highway Utilities.* Utilities to be extended to lots along Alyeska Highway shall be placed under driveways, to the maximum extent practicable.

#### K. *Snow management.*

1. *Commercial, public/institutional, industrial, and multiple-family residential.*
  - a. *Snow storage area.* Snow storage space adjacent to surface parking lots and pathways shall be identified on the site plan. To facilitate snowplowing and snow removal, snow storage areas equal to at least 20 percent of the total area of the site used for parking, access drives, walkways, and other surfaces needing to be cleared of snow, shall be designated on the site plan.
  - b. *Exemptions and alternatives.*
    - i. Minimum snow storage area requirements may be waived for properties within the boundaries of a public parking, local improvement, or snow management district where district-wide snow removal services is provided.
    - ii. Vehicle driveway and parking areas and pedestrian walkways with heated surfaces for melting snow shall be exempt from snow storage area requirements.
  - c. *Snow storage and drainage.* The location of snow storage areas shall be coordinated with drainage plans so the stored snow does not block meltwater from swales and drains.
  - d. *Snow storage and landscaping.* Areas designated for snow storage shall be landscaped only with groundcovers and shall have positive drainage away from structures and pave-

ments. Storage of snow is prohibited in required natural vegetation areas.

L. *Off-street parking standards.*

1. *General.* Required parking shall be provided in accordance with section 21.45.080, except as specified in this section. The director may waive an off-street parking requirement if sufficient public parking in the district satisfies off-street parking requirements.
2. *gC-5, gC-8, and gC-9 Districts.* Required parking for any non-residential use in the gC-5, gC-8 or gC-9 districts may be located off-site within the adjoining right-of-way or within 600 feet of the site in community parking areas under a municipal parking agreement.
3. *gC-7 District.* In the gC-7 district, on-site parking for new commercial development is prohibited. Parking for new commercial development shall be located within the adjoining right-of-way, or in community parking areas under a municipal parking agreement.
4. *Parking lot location—Residential.* Parking for multifamily dwellings or multiple residential dwelling structure projects is prohibited in any required setback. All surface parking areas shall be screened from adjacent streets, properties, and public trails through the use of retained vegetation and/or landscaping encompassing the front setback, with breaks for driveways and walkway access.
5. *Parking lot location—Nonresidential.* Parking is prohibited in any required setback, except in the gC-3 district as provided in subsection 21.09.040C.2.c.iii.(B).
6. *Parking lot landscaping.* Public and private parking lots shall have a 20-foot landscaped break in any line of parking spaces over 20 cars long and a minimum 15-foot landscaped strip between every other double-loaded bay of cars.

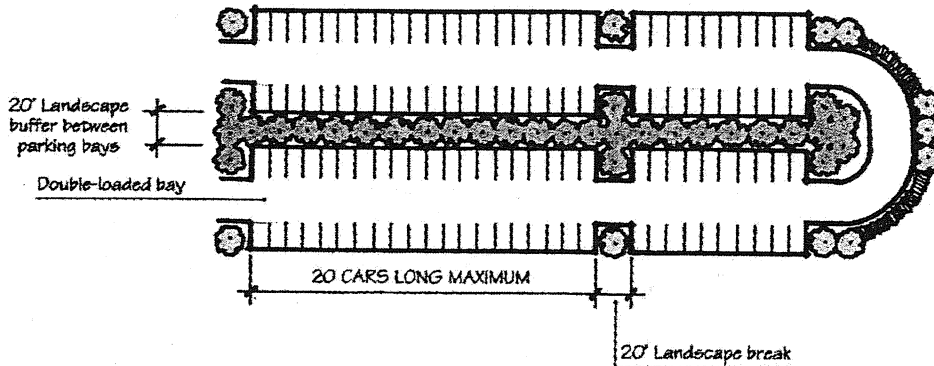


Figure 21.09-9: Parking Lot Landscaping

**Figure 21.09-9: Parking Lot Landscaping**

7. *Parking within multifamily and non-residential structures* Parking structures for more than two cars within multifamily and nonresidential structures, shall be constructed at least half a level below grade or, if constructed at grade, shall be earth covered using berming at least a half level on all sides. Vegetative and/or architectural screening of multiple level parking structures is

required. The mechanical equipment required to vent enclosed parking shall be located away from outdoor play areas or entries, public rights-of-way and pedestrian spaces, and shall be completely screened from view.

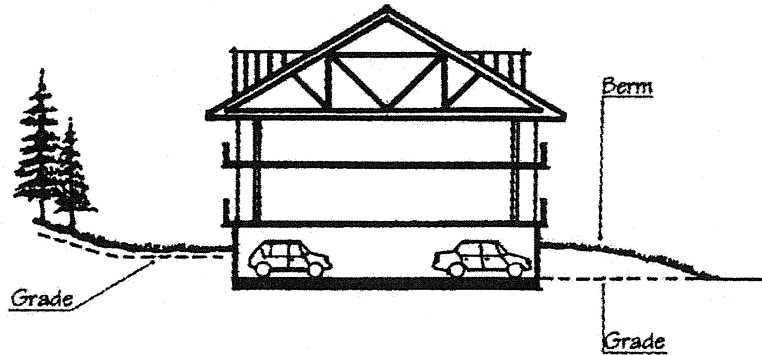


Figure 21.09-10: Parking within Multifamily and Non-Residential Structures

**Figure 21.09-10: Parking within Multifamily and Non-Residential Structures**

8. *Parking surfacing materials.* Interior roads, driveways, and parking areas shall be paved, except paving of driveways and surface parking areas for single-family and two-family residences is not required.

M. *Signage.* Except as set forth below, the generally applicable sign standards contained in section 21.47, Sign Standards, shall apply. The regulations set forth below shall apply in addition to those contained in section 21.47, except in case of conflict, in which case the regulations below shall govern.

1. *Commercial and industrial signs.* The following standards apply to signage for any commercial or industrial use, except for Fueling Stations, as set forth in subsection 4., below. Directional and wayfinding signs are exempt from this section.

a. *Freestanding signs.*

i. *Number.* A single, freestanding sign is allowed, but shall not be placed in the right-of-way, or in the sight distance triangle as defined in subsection 21.09.050D.

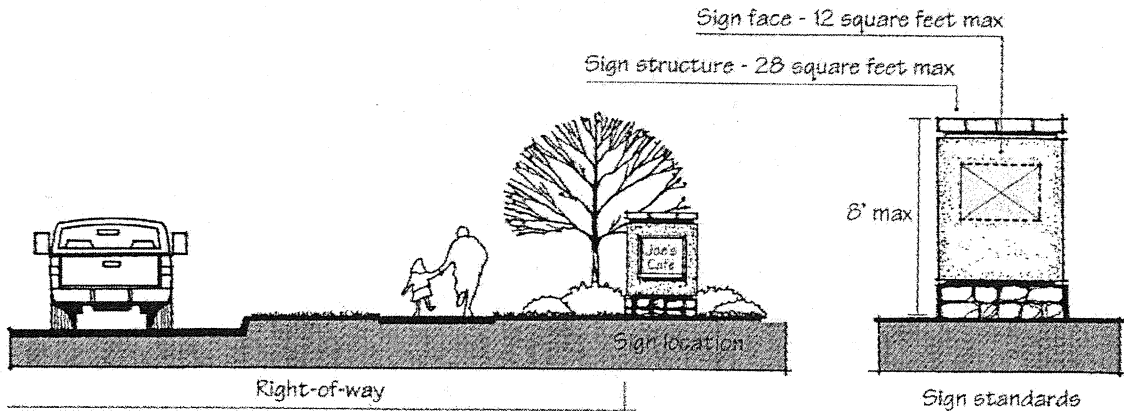


Figure 21.09-11: Freestanding Commercial Sign

**Figure 21.09-11: Freestanding Commercial Sign**

- ii. *Maximum size and height.* The maximum size shall be 12 square feet per face. The sign shall be monument-style, ground mounted, and shall not exceed a maximum height of eight feet. There may be lettering on both sides. The total area of each face of the sign, including the structural base, shall not exceed 28 square feet.
  - iii. *Materials.* Signage materials shall be complementary to the architectural character and materials of the principal building.
  - iv. *Style and color.* The letter style and color of freestanding identification signs shall be consistent with those used on other signs close to or attached to the building. If the sign is internally illuminated, the background shall be a translucent darker color, with a lighter contrasting color for the letters and symbols.
  - v. *Electronic changeable copy signs.* Electronic changeable copy signs or signs with flashing lights or highly reflective elements are prohibited.
  - vi. *Icon signs.* Developments subject to a master plan requirement may have one icon sign exceeding the size and height limits specified in this section. An icon sign is a sign using natural materials, such as logs or stone, and is designed to keep with the character of a mountain resort community and emblematic of the primary use on the site (e.g., skiing). The dimensions of the icon sign shall be determined and approved as part of the master planning process.
- b. *Building signs.*
- i. *Maximum area.* In addition to freestanding signs, each commercial building on a lot shall have a total building signage area allowance for each side of the building facing a public right-of-way, based upon the width of the building frontage as follows:

Building Frontage Width (ft.)	Square Feet Allowed
< 20	10
20—30	15
31—40	20
41—50	30
>50	40

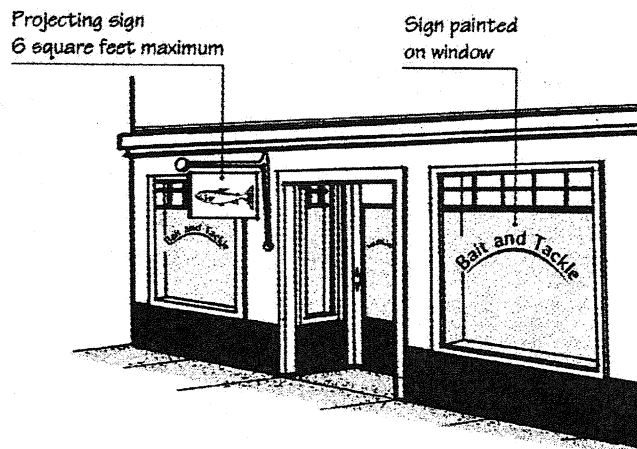


Figure 21.09-12: Commercial Building Signage  
 Figure 21.09-12: Commercial Building Signage

- ii. *Types of signs.* The total area of all signs shall not exceed the amount set forth above.
  - (A) *Projecting sign.* Each occupant of a commercial building is allowed a single projecting sign. The maximum size of a hanging or projecting sign shall be six square feet. Projecting signs shall be at least six feet ten inches above a walkway and may not extend more than five feet from the building facade. The lettering may be on both sides.

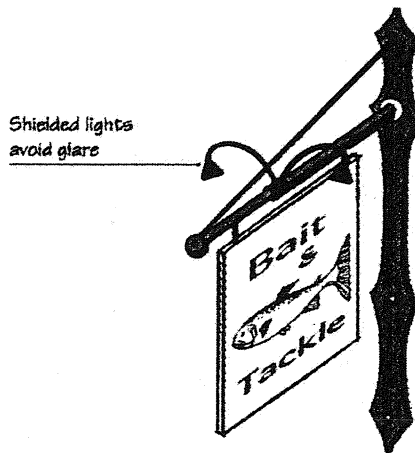
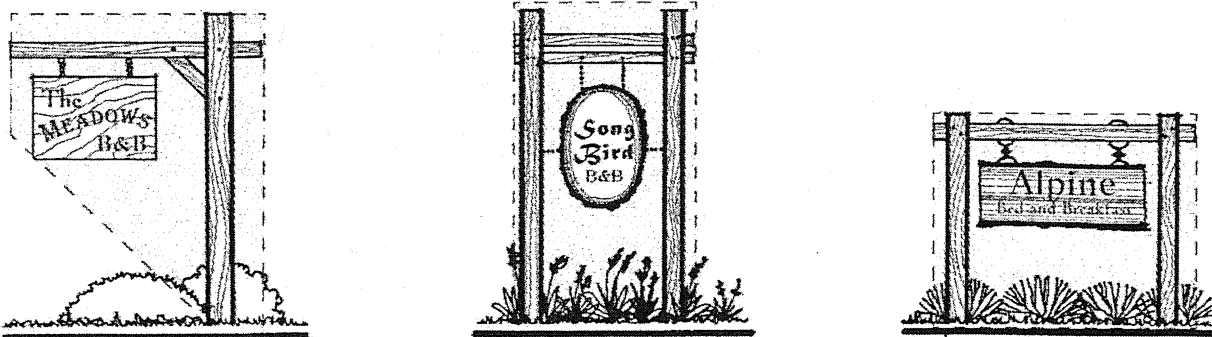


Figure 21.09-13: Lighted Projecting Sign

**Figure 21.09-13: Lighted Projecting Sign**

- (B) *Window signs.* Permanent window signs shall cover no more than 30 percent of the window area, but 50 percent of that sign area must be transparent.
  - (C) *Other signs.* Other allowed signs may be flush-mounted, painted on doors or windows, mounted on awnings, canopies and arcades, or attached to railings. Flush-mounted or painted signs shall be at the ground floor level.
- iii. *Materials and colors.* Permitted sign materials are wood, metal, stone, ceramic, glass, or plastic surface mounted on a wood or metal backing. The surface shall be painted, stained or treated to ensure durability.
  - iv. *Lighting.* Internally lit signs are not permitted, except logos and channel signs consisting of individual letters may be internally lit. External illumination shall be shielded and be directed downward to shine only on the sign area to be illuminated.
  - v. *Electronic changeable copy signs.* Building signs with electronic changeable copy are prohibited in Girdwood.
  - vi. *Operational information signs.* If window or door space used to display operational information, such as phone numbers, address, hours of operation, charge cards accepted, or similar information, is less than a rectangle 12 by 18 inches in size, the sign does not count against the maximum area specified above.
  - vii. *Temporary sign.* The display of temporary sales signs, advertisements or other signage is prohibited on the outside of buildings.
2. *Residential uses.*
- a. *Multiple-family.* The standards for signs for multifamily buildings in residential districts (section 21.47.040) shall apply to multiple-family residential.

- b. *Single-family, two-family and townhouse.* The sign standards of section 21.47.040 shall apply to a single-family dwelling, duplex or townhome, except only one freestanding identification sign shall be allowed for any residential subdivision.
3. *Public/institutional uses.* The sign regulations set forth in section 21.09.070M.1. (Commercial and Industrial Signs) shall apply to public/institutional uses. Signage for public buildings that are intended as civic landmarks shall be compatible and integrated with the architectural character, proportions, and details of the building.
4. *Fueling station signage.*
- Primary freestanding signage height and area maximums.* A fueling station may have a primary freestanding sign up to 25 feet in height, not to exceed 30 square feet in area, and one road front entrance sign on each road frontage, each sign not to exceed eight feet in height or 20 square feet in area.
  - Fuel price signs.* One sign identifying fuel prices is permitted, not to exceed four panels four feet square, to be arranged in a square or vertical format, not to exceed 12 feet in height.
  - Instructional signs.* Up to six instructional signs are permitted, each not to exceed two feet square, to guide traffic movement and parking.
5. *Grocery store signage.* In spite of subsection 1., above, a grocery store with 15,000 or more square feet gross floor area and with multiple points of vehicle site access may have two freestanding signs, each sign shall not to exceed a total of 20 square feet. No more than 25 percent of window area may be used for signage, including signs located inside but readable from four feet away from the building.
6. *Bed and breakfast signage.* A bed and breakfast shall have and maintain the appearance of a single-family detached dwelling unit or a dwelling unit of a two-family dwelling. No more than one non-illuminated sign is permitted to reflect the operation of a bed and breakfast, and the sign may be one of the following:
- A maximum one square foot sign, mounted flat against the principal building; or
  - A post and sign located on the property, no more than ten feet from the driveway. The sign area is limited to two and one-half square feet, and the framing area is limited to 15 square feet.



Framing area, defined by the combined outer limits of the sign and all frames and supports.

Figure 21.09-14: Bed and Breakfast Signs  
**Figure 21.09-14: Bed and Breakfast Signs**

N. *Driveway standards.*

1. *Intent.* To maintain the natural qualities of the site, driveways shall be of minimum width, follow site contours, and be routed to preserve amenities such as rock outcroppings and stands of mature trees. Driveways shall be designed with safety as a priority, with as little gradient as practicable.
2. *Driveway standards for residential uses.*

TABLE 21.09.070-2: DRIVEWAY STANDARDS FOR RESIDENTIAL USES		
	Single-family/Two-family Uses	Multiple-family Residential
Minimum width	10 feet	12 feet
Maximum width per driveway This applies to the length of the driveway within a setback and public right-of-way.	20' wide maximum	one-way driveway — 14' max. width two-way driveway — 24' max. width
Two driveways	If two driveways are used for either a single family or a two family lot, they each shall be no more than 10 feet wide.	The total width of both driveways measured within a setback and public right-of-way shall not exceed 40% of the frontage of that lot on the street.
More than two driveways	Not allowed.	Allowed if it is shown that they will substantially improve circulation safety both on and off site. All other standards of this subsection apply.
Separation between driveways on a single lot	A minimum 10' wide vegetated separation required where there is more than one driveway to the same street.	
Slope	Slopes of up to 10% are allowed on all residential driveways. Driveways with slopes greater than ten percent (10%) require prior approval by the Municipal Traffic Engineer.	
Materials	Compactible material suitable for intended use. Surface course or pavement of any type is optional.	Concrete or asphalt compound to the standards prescribed by the traffic engineer.

3. *Driveway standards for commercial districts and nonresidential uses in residential districts.*

TABLE 21.09.070-3: DRIVEWAY STANDARDS FOR COMMERCIAL DISTRICTS (sf = square feet)							
	gC-1, gC-2		gC-3, gC-4		gC-5 through gC-10		
	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	5,000—43,560 sf lot	>43,560 sf lot
Minimum width	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet
Maximum width per driveway*	24 feet	28 feet	24 feet	24 feet	24 feet	24 feet	24 feet
Maximum width of each driveway for two driveways*	Not allowed	28 feet	Not allowed	14 feet	Not allowed	14 feet	24 feet
More than two driveways	Lots are allowed a maximum of two driveways per frontage.		Lots are allowed a maximum of two driveways per lot.		Allowed if it is shown to improve circulation safety, on & off site		

TABLE 21.09.070-3: DRIVEWAY STANDARDS FOR COMMERCIAL DISTRICTS (sf = square feet)							
	gC-1, gC-2		gC-3, gC-4		gC-5 through gC-10		
	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	>5,000 sf lot	≤5,000 sf lot	5,000— 43,560 sf lot	>43,560 sf lot
Separation between driveways	Where separate driveways are provided on a lot in a GC district, there shall be a naturally vegetated or landscaped area at least 20 feet wide between the driveways. The separation area may not be used for the parking of vehicles.						
Slope	Slopes of up to 10% are allowed on all commercial driveways. Driveways with slopes of 10-15% require prior approval of the municipal traffic engineer.						
Orientation	Within the required front setback on any lot, driveways shall run perpendicular to the street.						
Materials	Concrete or asphalt compound to the standards prescribed by the traffic engineer. Permeable materials are allowed if approved by the municipal traffic engineer.						
* Maximum width may be exceeded when approved by the municipal traffic engineer.							

4. *Driveway standards for industrial districts.*

TABLE 21.09.070-4: DRIVEWAY STANDARDS FOR INDUSTRIAL DISTRICTS		
	gI-1	gI-2
Maximum width One driveway	30 feet	30 feet
Maximum width Two Driveways	30 feet each	30 feet each
More than two driveways	Not allowed	
Separation between driveways	Where separate driveways are provided on a lot, there shall be a naturally vegetated or landscaped area at least 20 feet wide between the driveways. The separation area may not be used for parking vehicles.	
Slope	Driveways shall not exceed a slope of 10%.	
Orientation	Within the required front setback on any lot, driveways shall run perpendicular to the street.	
Materials	Concrete or asphalt compound to the standards prescribed by the municipal traffic engineer.	

5. *Driveway standards for other districts.*

a. *Number and width.*

- i. *GA District.* A lot in the GA district may have up to two driveways with a maximum width of 30 feet.
- ii. *GOS and GIP Districts.* The maximum width and maximum number of driveways shall be as specified below.
  - (A) *Up to 5,000 square foot lot:* One driveway, maximum 24 feet wide; or
  - (B) *Greater than 5,000 square foot lot:* One driveway,

maximum 24 feet wide; or two driveways, maximum 14 feet wide.

- iii. *GDR and GRR Districts.* One driveway, maximum 24 feet wide; or two driveways, maximum 14 feet wide.

b. *Separation between driveways.*

- i. *GA district.* If two driveways are on the lot, there shall be a minimum 20-foot separation between the two driveways.
- ii. *GOS, GIP, GDR and GRR Districts.* Where separate driveways are on a lot, there shall be a vegetated area (either natu-



ral or landscaped) at least 20 feet in width between the two driveways. The vegetated area between sections of driveway may not be used for the parking of vehicles.

c. *Orientation.*

- i. *GA, GOS, GIP, GDR and GRR Districts.* Within the required front setback on any lot, driveways shall run perpendicular to the street.

d. *Slope.*

- i. *GOS, GIP, GDR, and GRR Districts.* Driveways shall not exceed a slope of ten percent.

O. *Trash management in multi-family, commercial, industrial, and resort districts.*

1. The placement of refuse containers in the front setback is prohibited.
2. All refuse containers stored outdoors shall be bear-proof.
3. Refuse containers shall be screened from public view within a three-sided structure. Enclosures shall be durably constructed and designed to be consistent with the primary structure(s) on the property.

(AO No. 2005-81(S), § 1, 11-1-05)

**21.09.080 Building design standards.**

A. *Purpose and general goals.* The design standards establish control over certain aspects of the design of multiple-family, commercial, and resort development in order to retain the visual beauty and character of Girdwood Valley's natural landscape and to reduce the visual and physical problems arising from poor site planning. Except as modified by an approved development master plan, these standards apply to new or remodeled development, as noted in the specific applicability statements, and related new accessory structures. Specific purposes include:

1. To preserve and reinforce the unique natural qualities of the site;

2. To fit the building into the land in a way to keep natural landforms and features intact; and
3. To treat the building as an integral part of the natural environment and an attractive addition to the Girdwood community.

No part of chapter 21.09, is meant to preclude, discourage, or inhibit the design, installation, or implementation of ecologically sound methods of harnessing and utilizing wind, solar, hydro, or other sources of renewable energy in Girdwood.

B. *Alternative equivalent compliance.*

1. *Purpose.* Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this chapter. This procedure is not intended as a substitute for a variance or administrative modification or a vehicle for relief from standards in this chapter.
2. *Applicability.* The alternative equivalent compliance procedure shall be available only for this section 21.09.080.
3. *Pre-application conference required.* An applicant proposing to use alternative equivalent compliance under this section shall request and attend a pre-application conference prior to submitting the site plan for development, to determine the preliminary response from the director. Based on that response, the site plan application shall include sufficient explanation and justification, in both written and graphic form, for the alternative equivalent compliance requested.
4. *Decision-making responsibility.* Final approval of alternative equivalent compliance under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. For example, proposed alternative equivalent compliance on a conditional

use application shall be considered and decided upon by the planning and zoning commission. By-right projects that would not ordinarily require review under this title, yet which are proposing alternative equivalent compliance, shall receive written approval of the alternative equivalent compliance from the director. All applications for alternative equivalent compliance shall be processed and reviewed in a timely fashion.

5. *Criteria.* To grant a request for alternative equivalent compliance, the decision-making body shall find that the following criteria are met:

- a. The proposed alternative design achieves the intent of the subject design standard to the same or better degree than the subject standard.
- b. The proposed alternative design achieves the goals of the Girdwood Area Plan to the same or better degree than the subject standard.
- c. The proposed alternative design results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

6. *Effect of approval.* Alternative equivalent compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

*C. Single-family (detached) building design standards.*

1. *Applicability.* The following design standards shall apply in the gR-3 district.
2. *Mix of housing models.*
  - a. Any development of ten or more units shall have at least three different types of housing models. Each housing model shall have at least two of the following differentiations:
    - i. Different floor plans;

- ii. Different placement of the building footprint on the lot;
- iii. Different garage placement; or
- iv. Different roof lines.

- b. The development shall be arranged in such a way so whenever any four houses are next to each other along a street, at least one of each of the three required models shall be included in the group of four.

*D. Two-family and attached single-family building design standards.*

1. *Applicability.* The following design standards shall apply to all two-family and attached single-family development.

2. *Roof forms and materials.*

- a. *Height.* Roofs shall vary in height and, with the exception of shed roofs, the majority of roof ends shall be lower than the center of the structure.
- b. *Overhangs.* Roof overhangs shall be sufficient to provide weather protection for building walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs on the eave ends shall be a minimum of 24 inches, except the upper eave end of a shed roof is not required to have an overhang. This standard shall not apply to solariums. Flat-roofed structures shall provide an appropriate means of managing runoff to protect exterior walls.

- c. *Snow and rain protection.* Roof forms shall be designed to protect the areas where people stand or enter the building from snow and rain. Roof forms shall protect doorways, exterior stairs, balconies, parking areas, deck entrances, and garage entrances.

- d. *Roofing materials.* Roofing materials shall be non-reflective.

3. *Two-family dwelling building style.* A two-family structure shall appear to be a single-family dwelling unit in architectural form,

style, materials and color. "Mirror image" two-family dwellings are prohibited. There shall be a common front entrance or, if separate entrances are desired, the entrances shall be on different sides of the building.

*E. Multiple-family and townhouse building design standards.*

1. *Applicability.* Development of any multi-family residential structure shall, except as specifically provided herein, comply with the standards of this section. When a structure contains both residential and commercial uses, section 21.09.080D., Commercial Building Standards, shall apply.
2. *Building style, massing, and size.*
  - a. *Building style—General.* Although no specific architectural style is required, it is intended the design of buildings take into consideration the Girdwood climate and physical setting. The Girdwood physical environment requires structures to be built for its special circumstances.
  - b. *Mass.* The mass of a single building or group of buildings shall be organized so it appears to be an arrangement of smaller-sized connected structures. Large roof forms shall step or be broken by dormers. Upper level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.
  - c. *Scale and size.* No wall line shall be longer than 40 feet without a change or alteration in alignment of at least four feet in depth from the plane of the facade, extending for at least one-third the length of the building. The maximum length of any building side is 120 feet.
  - d. *Building facades.* There shall be trim around openings and windows. Exterior corridors to room entrances are prohibited for buildings with more than eight dwelling units.
3. *Roof form.*
  - a. *Shed or pitched roofs.* Sloping roof forms are encouraged.
  - b. *Flat roofs.* Flat-roofed buildings shall be permitted only if the roof areas are divided into separate segments, each no more than 3,000 square feet in area, and separated from adjoining segments by at least four feet in vertical elevation.
  - c. *Cornices.* Flat portions of roofs shall have distinctive cornice features.
  - d. *Roof overhangs.* Roof overhangs shall be sufficient to provide weather protection for building walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs on the eave ends shall be a minimum of 24 inches, except an upper eave end of a shed roof is not required to have an overhang. Flat-roofed structures shall provide an appropriate means of managing runoff to protect exterior walls. Solariums are exempt from this subsection.
  - e. *Snow and rain protection.* Roof structures shall be designed to protect doorways, exterior stairs, emergency exits, balconies, vehicle service bays, and garage entrances from snow, ice and rain. Balconies shall be designed to avoid drainage onto other balconies or pedestrian spaces below.
  - f. *Roofing materials.* Roofing materials may be asphalt shingle, metal, slate, or built-up materials on flat sections. Brightly colored enameled, reflective metal, and wood shakes are prohibited roofing materials.
  - g. *Projections from roofs.*
    - i. *Location on the roof.* Chimneys, flues, vents and antennae shall penetrate the roof near the ridge or only where protected from snow movement off the roof. Vent pipes and flues shall be

consolidated into orderly clusters or incorporated into chimney structures.

- ii. *Cladding material.* Chimneys and metal flue pipes shall be clad in wood, stone, or stone veneer.

4. *Porches and entrances.*

- a. *Landing height.* Where landings are used, they shall be a minimum of six inches higher than adjacent walkways or streets.
- b. *Entrances.* Common building entryways shall be a minimum of 12 feet in width or 20 percent of the width of the building wall, whichever is greater. Fire exits are not considered building entrances for the purpose of this section. The entrance shall be weather protected and well lit.
- c. *Porte cocheres.* Porte cocheres and porticoes may extend outward from the building entrance over driveways or drop-off areas to provide weather protection. Exterior materials and design shall be consistent or compatible with the building.

5. *Building materials.*

- a. *Durability.* Durable, weatherproof materials shall be used for foundations and the lower sections of building facades subject to the affects of snow accumulations and rain splashback.
- b. *Alternative facade materials.* On multistory buildings, facade materials may include pre-cast concrete or plaster surfaces, if such surfaces are heavily ribbed, textured, or brush hammered, and colored to fit the overall building design and mountain setting. No more than 35 percent of any building facade shall consist of textured or treated concrete.

- c. *Remodels.* The architectural design and the materials used in an addition to an existing structure, or accessory structure, shall be compatible with the architectural style and building materials used in the existing structure, unless an entire facade is to be remodeled in a uniform architectural style.

- d. *Restricted materials.* No more than 20 percent of any given building facade may be composed of aluminum, untextured vinyl or plastic siding, T-111 siding, or brick. Up to 35 percent of any given building facade may be composed of stucco, treated or textured CMU, or simulated stone veneer. No more than five percent of any given building facade may be painted brick.

- e. *Prohibited materials.* The following exterior materials are prohibited:

- i. Shiny, reflective metal surfaces anywhere on the building;
- ii. Highly reflective or mirrored glass;
- iii. Untreated or untextured concrete or masonry;
- iv. Unstained or untreated wood, except for cedar or redwood; all other wood elements shall be treated with oil, stain, or other weathering agent, or painted to resist weathering and discoloration from water;
- v. Plywood siding without board and batten; and
- vi. White roof gravels.

6. *Building colors.*

- a. *Principal colors.* Principal colors on buildings shall generally be natural color tones, such as browns, tans, wood colors, green, rust, barn red and gray. White or cream shades of color are permitted on not more than 35 percent of each facade. Bright,

primary colors are permitted on not more than 15 percent of each facade.

- b. *Trim colors.* Brighter colors than principal building colors are permitted for trim and highlight details, such as cornices, window frames, handrails, and entrance doors.

7. *Accessory elements.*

- a. *Detached parking, garages, and carports.* Detached garages, carports and parking garages shall be designed with architectural elements and materials related to the principal residential building or buildings, and shall be screened from view from public roads and primary common areas with landscaping and/or berming.
- b. *Resident storage and other accessory buildings.* A multiple-family project shall provide a minimum of 40 square feet per dwelling unit of covered, enclosed, and secure storage areas for bikes and other belongings typically cannot be accommodated within individual dwelling units. This storage area may be provided as part of a garage. Storage and other accessory buildings shall be designed with materials and/or architectural elements related to the principal buildings.

F. *Commercial, resort and public/institutional building design standards.*

- 1. *Applicability.* Development of any structure containing a use categorized in Table 21.09.050-1 as a public/institutional or commercial use shall, except as specifically provided herein, comply with the standards of this subsection. Where a structure contains both residential and commercial uses, the standards of this section shall apply.
- 2. *Building style, massing and size.*
  - a. *Mountain building style—Intent.* The design of new buildings shall have the appearance of structures appro-

priate for Girdwood's climate, mountain valley setting, and small western mining town character. Commercial and resort buildings shall utilize a mountain style defined primarily by the materials, roof pitches, use of porches, and street treatment as set forth below and in section 21.09.070F.

- b. *Residential building style—Intent.* New buildings in the old and new Girdwood townsite commercial areas shall have a residential character, even though the zoning permits and encourages commercial uses. Building forms and detail elements shall have predominantly pitched roofs, porches, traditional rectangular windows with a vertical orientation (on the ground floor), avoidance of blank walls or materials associated with industrial uses. Buildings shall consist of relatively small, human-scaled or appear to be an aggregation of smaller, simpler forms. Residential apartments on upper stories are encouraged.
- c. *Mass.* The mass of a single building or group of buildings shall be organized so it appears to be an arrangement of smaller-sized connected structures. Upper level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.
- d. *Scale and size.* No wall line shall be longer than 40 feet without a change or alteration in alignment of at least four feet in depth from the plane of the facade, extending for at least one-third the length of the building. The maximum length of any building side is 120 feet. Large roof forms shall step or be broken by dormers.
- e. *Building facade elements.* Windows on the ground floor shall be rectangular and vertically oriented, and recessed into the exterior wall or window trim, rather than appear as

continuous areas of glass flush with the wall plane. Balconies shall be recessed or covered. There shall be trim around openings and windows. Exterior corridors to upper floor room entrances are prohibited for buildings with more than eight dwelling units.

f. *Store fronts.*

i. *Design elements.* The front facade for all retail/commercial uses shall be organized to display merchandise in visible and attractive ways. This requirement shall be met by providing:

- (A) Horizontal and vertical mullions and sashes to subdivide the windows into smaller panes;
- (B) Sturdy and weather resistant storefront base materials;
- (C) One or more angled windows, such as bay windows, or recessed doorways; and

ii. *Entries.* Entries extending from the main facade, such as arctic entries, are permitted where these areas are designed as an integral part of the structure and do not impede pedestrian movement along the building facade.

iii. *Glass windows.* Except for the gC-4 district, commercial buildings shall have a high percentage of glass windows with interior views in the facades, as specified below.

- (A) Retail/bar/restaurant uses at ground floor: At least 50 percent glass.
- (B) Retail/commercial use with a sideyard entrance, the portion of the store facing

the street: At least 50 percent glass designed as display windows.

- (C) Ground floor offices facing streets or pedestrian areas: At least 30 percent glass.
- (D) Ground floor of grocery store facing streets, pedestrian areas or major parking areas: At least 50 percent glass.

3. *Roof form.*

a. *Pitch.* Roofs visible from a public way shall be primarily pitched. The pitch for the primary roof structure shall be between 8:12 and 12:12, but may be as shallow as 5:12, as long as the eave overhangs are at least two and one-half feet. Segments of the roof may be flatter or steeper slopes, however, to achieve a specific design effect. Wherever a portion of the roof has a shallower pitch than the standard, or if it is flat, provision shall be made to avoid glaciations.

b. *Flat roofs.* Flat portions of roofs shall have distinctive cornice features, to create visual interest and provide sufficient overhang to protect walls from the weather. Large visible flat roof forms shall step or be broken by dormers. Design elements may also be used on flat roofs to create the appearance the building has a pitched or shed roof. The canopy sheltering cars at fueling stations may be flat but shall have distinctive cornice detailing. Fueling station canopies shall not be significantly larger and out of proportion to the fueling station building.

c. *Overhangs.* Roof overhangs shall be sufficient to provide weather protection for building walls. Overhangs on the gable end shall be a minimum of 12 inches. Overhangs on the eave ends shall be a minimum of 24 inches,

- except the upper eave end of a shed roof is not required to have an overhang. Solariums are exempt from this subsection.
- d. *Snow and rain protection.* Roof structures shall be designed to protect doorways, exterior stairs, balconies, vehicle service bays, and garage entrances from snow, ice and rain. Balconies shall be designed to avoid drainage onto other balconies or pedestrian spaces below.
  - e. *Roofing materials.* Roofing materials may be asphaltic shingle, metal, or built-up materials on flat sections. Brightly colored enameled, reflective metal, and wood shakes are prohibited roofing materials.
  - f. *Projections from roofs.*
    - i. *Location on roof.* Chimneys, flues, vents, and antennae shall penetrate the roof near a ridgeline or only where protected from snow movement off the roof. Vent pipes shall be collected into orderly clusters or incorporated into chimney structures.
    - ii. *Cladding material.* Chimneys and metal flue pipes shall be clad in wood, stone, or stone veneer.
4. *Porches, entrances, arcades, and roofed walkways.* A key element of Girdwood mountain style for commercial, public/institutional and resort buildings is the use of porches with shed roofs to define entrances. To the maximum extent feasible, all buildings shall utilize porches constructed in accordance with the following standards:
- a. *Landing height.* Where landings are used, they shall be a minimum of eight inches higher than adjacent walkways or streets.
  - b. *Rails.* Porch rails shall be semi-open and/or transparent. Details shall be consistent with other building detailing.
  - c. *Entry size.* Building entrances shall be at least eight feet in width, weather protected, and well lit.
  - d. *Arcades and roofed walkways.*
    - i. *Relationship to buildings.* Arcades or roofed walkways shall be fully attached to the building front and be of uniform design along the street frontage. Arcades may vary and step along the street frontage with the line and style of the buildings to which they belong. Arcade form, width, scale, materials and colors shall be compatible the adjacent building.
    - ii. *Relationship to streets.* A landscaped strip for snow storage at least eight feet in width shall be provided parallel to the arcade and shall separate it from the sidewalk edge.
    - iii. *Upper floor buildable area.* After an administrative review and sign-off by the director, the upper story areas above the arcade may be enclosed as part of the building area. The director will review the proposal for conformity with design goals of this chapter and applicable Girdwood area plans.
    - iv. *Clear space.* Arcades and roofed walkways shall have a minimum of eight feet clear space between arcade columns and the building wall. The arcade of a grocery store shall allow a minimum of ten feet clear space. The arcade shall be continuous between all entrance/exit doors.

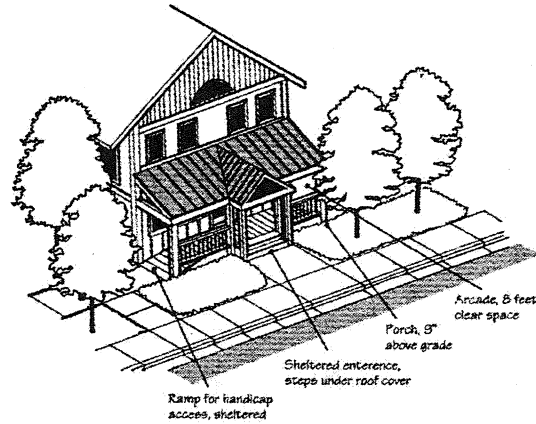


Figure 21.09-15: Arcades and Roofed Walkways

Figure 21.09-15: Arcades and Roofed Walkways

- v. *Columns.* Arcade columns shall be in scale with the overall building but shall not obscure ground level storefronts from adjacent pedestrian areas.
  - vi. *Roofs.* Arcade and walkway roofs may be flat or sloped to complement other roof forms on the building, but the roof form shall be designed to provide adequate drainage and prevent snow dump, icicle build-up, or rainwater dripping over points of entry to the arcade or walkway. Canvas, metal, or acrylic awnings in lieu of structural covered walkways are not acceptable.
  - vii. *Elevation above grade.* Arcaded or roofed walkways shall be elevated at least eight inches above grade.
  - viii. *Pedestrian scale lighting.* Arcade and roofed walkway lighting shall be adequate to provide for safety and aesthetic quality. Pedestrian scaled lighting, including but not limited to bollards, ceiling or post-mounted, or attached to the building, shall be required as part of the design of covered walkways. Light sources shall be shielded, recessed, and/or directed so glare is avoided.
5. *Building materials.*
    - a. *Primary building materials.* It is intended for wood and stone to be the primary exterior building materials. Vertical or horizontal patterns, rough or resawn wood, board and batten, and round or square cut logs are permitted. Stone is also permitted. Materials at the base of buildings shall, be resistant to damage from snow or water.
    - b. *Columns, posts, and beams.* Primary exterior materials of columns, posts and beams shall consist of heavy timbers, peeled log poles, steel, concrete, or stone cladding, or a combination of these materials.
    - c. *Alternative facade materials.* On multistory buildings, facade materials may include pre-cast concrete or plaster surfaces, if such surfaces are heavily ribbed, textured, architecturally treated to resemble natural materials, or brush hammered, and are colored to fit the overall building design and mountain setting.

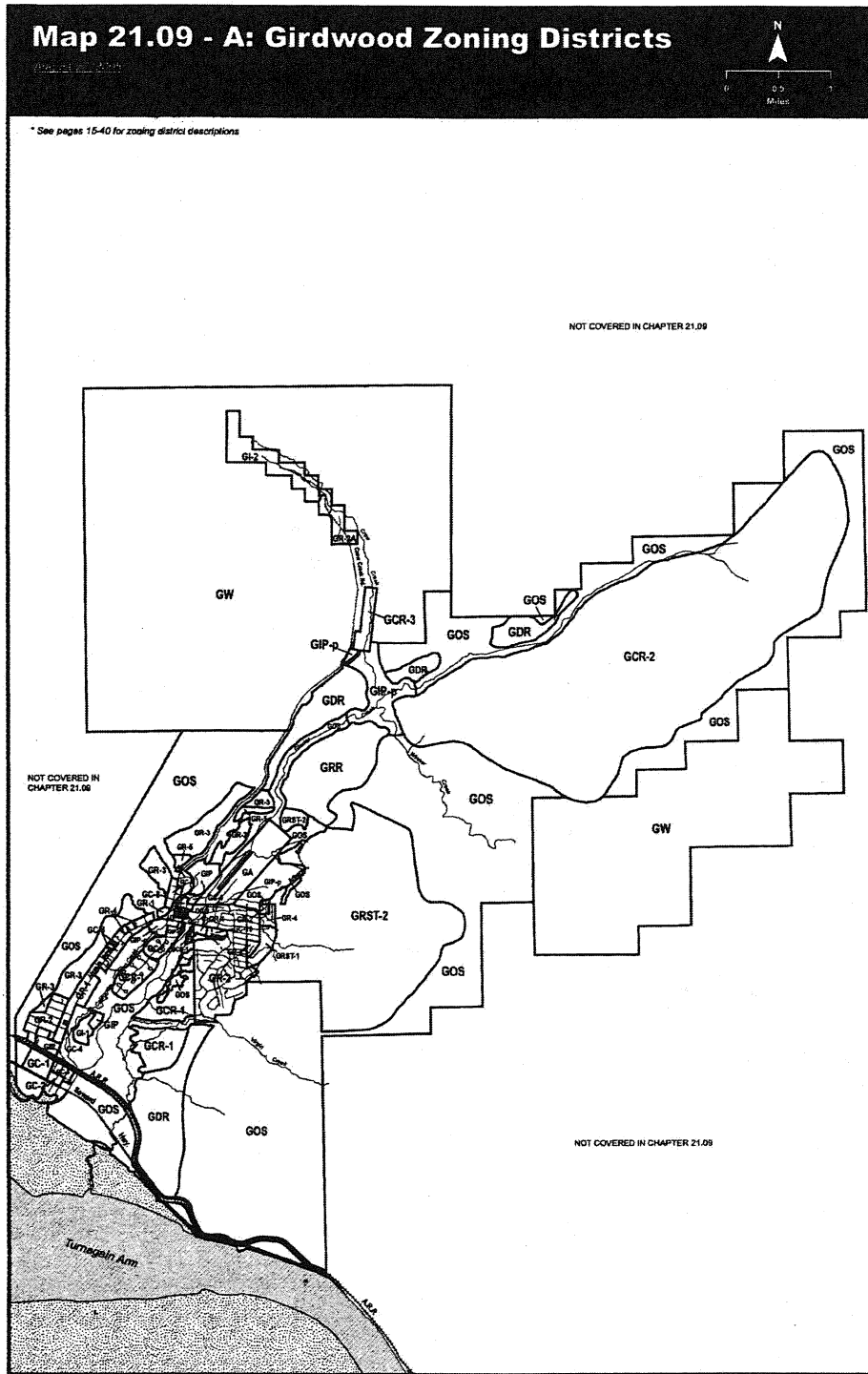


- d. *Remodels.* The architectural design and the materials used in an addition to an existing structure, or accessory structure, shall be compatible with the architectural style and building materials used in the existing structure, unless an entire facade is to be remodeled in a uniform architectural style.
  - e. *Restricted materials.* No more than 20 percent of any given building facade may be composed of aluminum, untextured vinyl or plastic siding, T-111 siding, brick or exposed concrete. Stucco, treated or textured CMU, or simulated stone veneer may comprise up to 35 percent of any given building facade. No more than five percent of any given building facade may be painted brick.
  - f. *Prohibited materials.* The following materials are prohibited:
    - i. Shiny, reflective metal surfaces anywhere on the building;
    - ii. Mirrored or highly reflective glass;
    - iii. Untreated concrete or masonry;
    - iv. Unstained or untreated wood, except for cedar and redwood; all other wood elements shall be treated with oil, stain, or other weathering agent, or painted to resist weathering and discoloration from water;
    - v. Plywood siding without board and batten; and
    - vi. White roof gravels.
6. *Building colors.*
- a. *Principal colors.* Principal colors on a building shall generally be natural color tones, such as browns, ochre yellows, tans, wood colors, green, rust, barn red and gray. White and cream shades of color are permitted on not more than 35 percent of each facade. Bright, primary colors are permitted on not more than 15 percent of each facade.
  - b. *Trim colors.* Brighter colors than primary building colors are permitted for trim and highlight details, such as cornices, window frames, handrails, and entrance doors. Neon tubing or an equivalent illumination technique is prohibited as a building/roofline outline feature.
7. *Accessory elements.*
- a. *Parking.* Detached garages, carports, and parking garages shall be designed with architectural elements and materials related to the principal commercial building or buildings, and shall be screened from view from public roads and primary common areas with landscaping and/or berming.
- G. *Industrial building design standards.* Building and roof colors shall be forest shades, such as dark green, dark brown, or dark gray, to blend into Girdwood's forest setting from both the ground and the air.  
(AO No. 2005-81(S), § 1, 11-1-05)
- 21.09.090 Zoning maps.**
- The following zoning maps are provided:
- A. Girdwood Zoning Districts.
  - B. Girdwood Zoning Districts (Lower Valley Enlargement).
  - C. Single-Family/Two-Family Residential Districts.
  - D. Multiple-Family Residential Districts.
  - E. Commercial Districts.
  - F. Industrial Districts.
  - G. Resort Districts.
  - H. Girdwood Airport, GIP, and GIP-p Districts.
  - I. Girdwood Commercial Recreation Districts 1, 2 and 3.

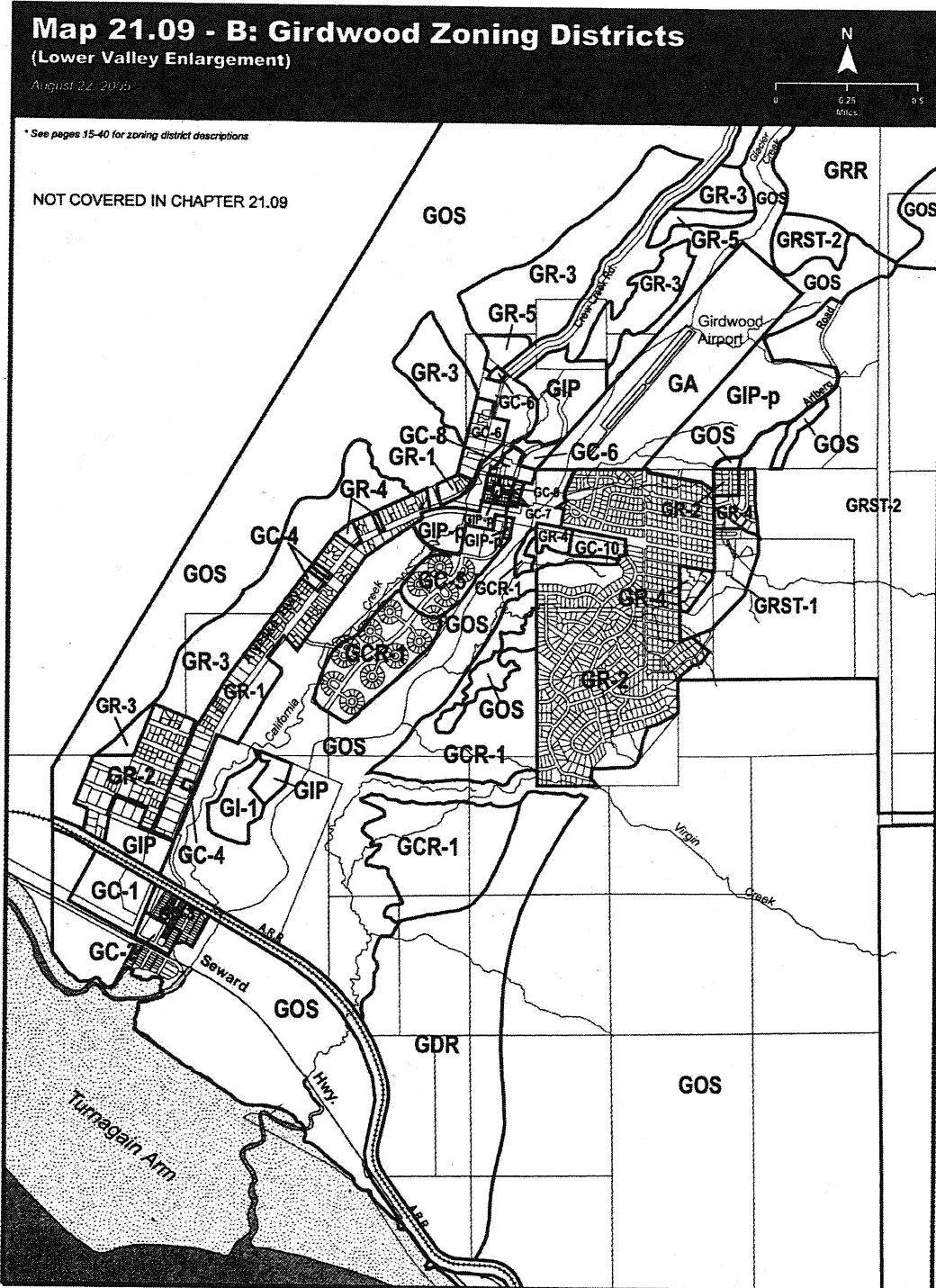
J. Girdwood Development Reserve and Recreation Reserve Districts.

K. Open Space and Girdwood Watershed Districts.

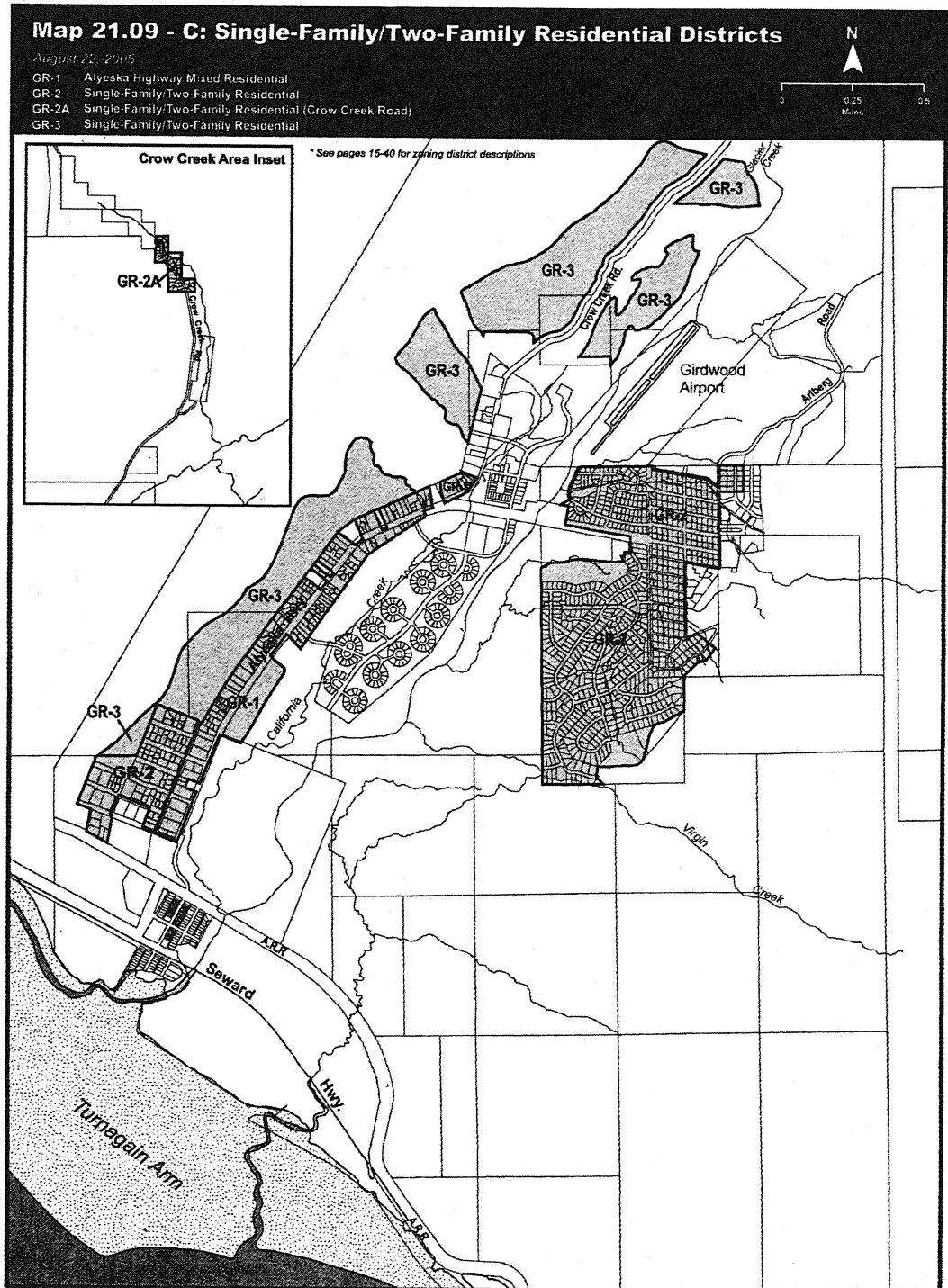
(AO No. 2005-81(S), § 1, 11-1-05)



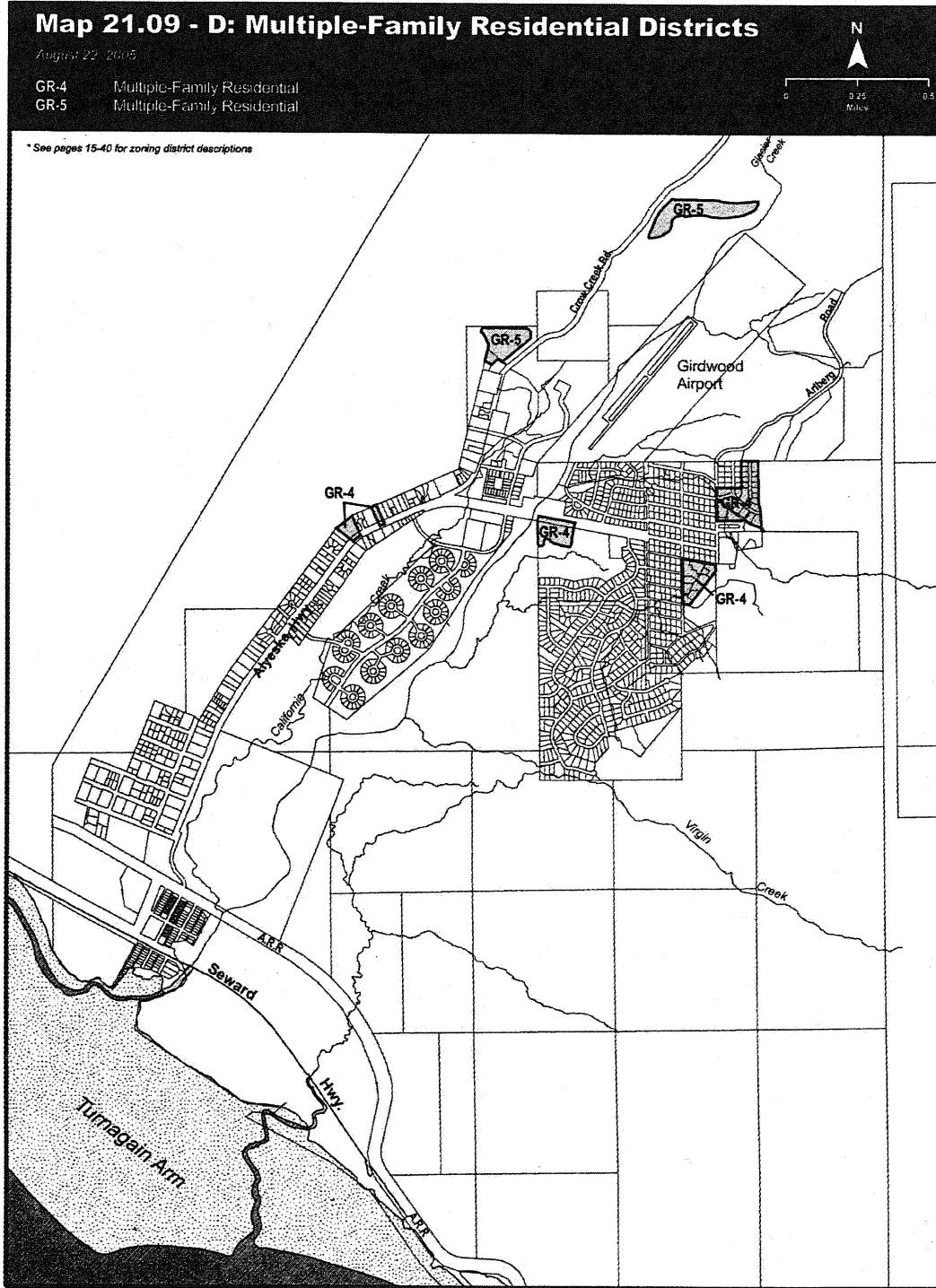
Map 21.09-A



Map 21.09-B



Map 21.09-C



Map 21.09-D

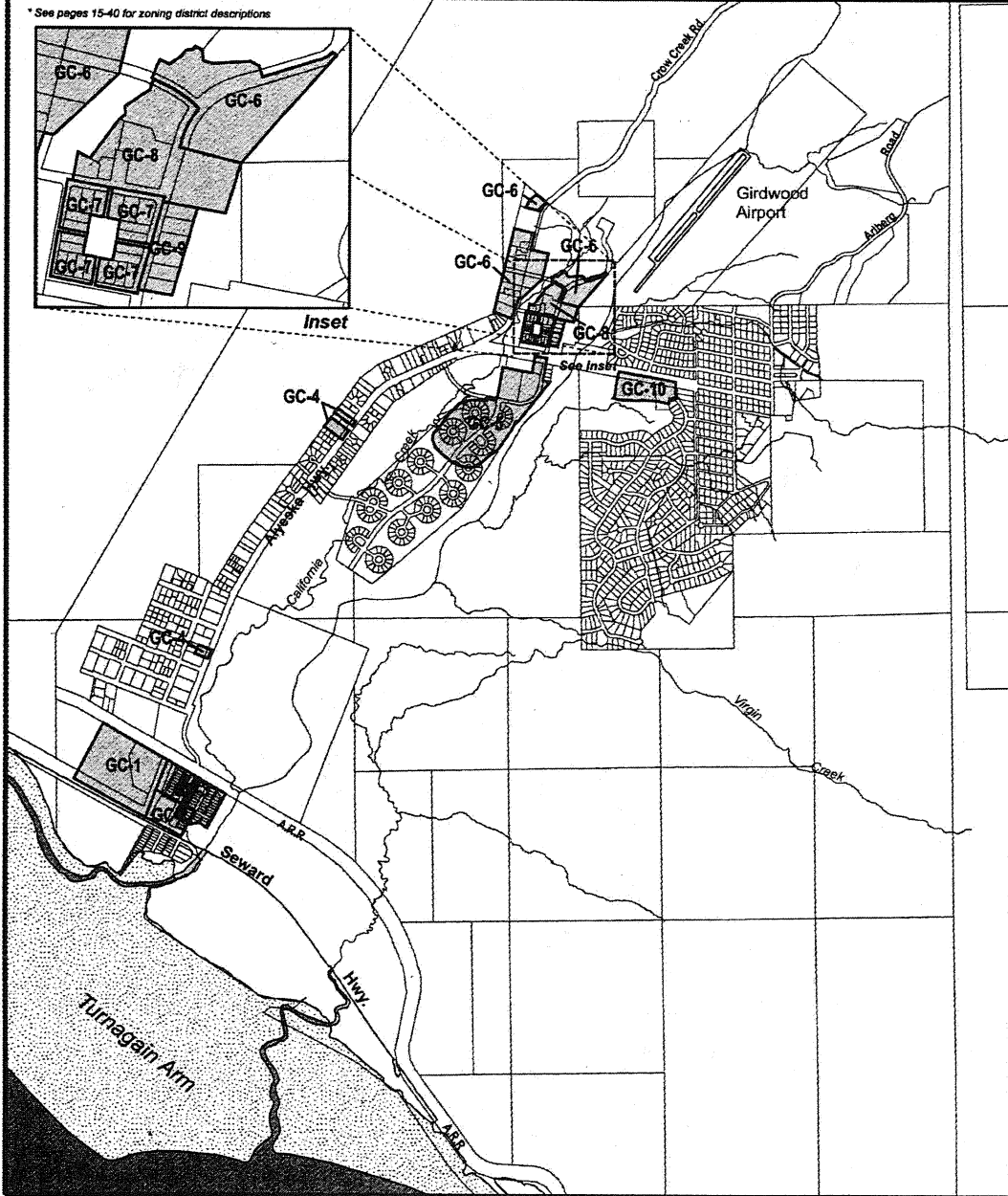
### Map 21.09 - E: Commercial Districts

August 22, 2005

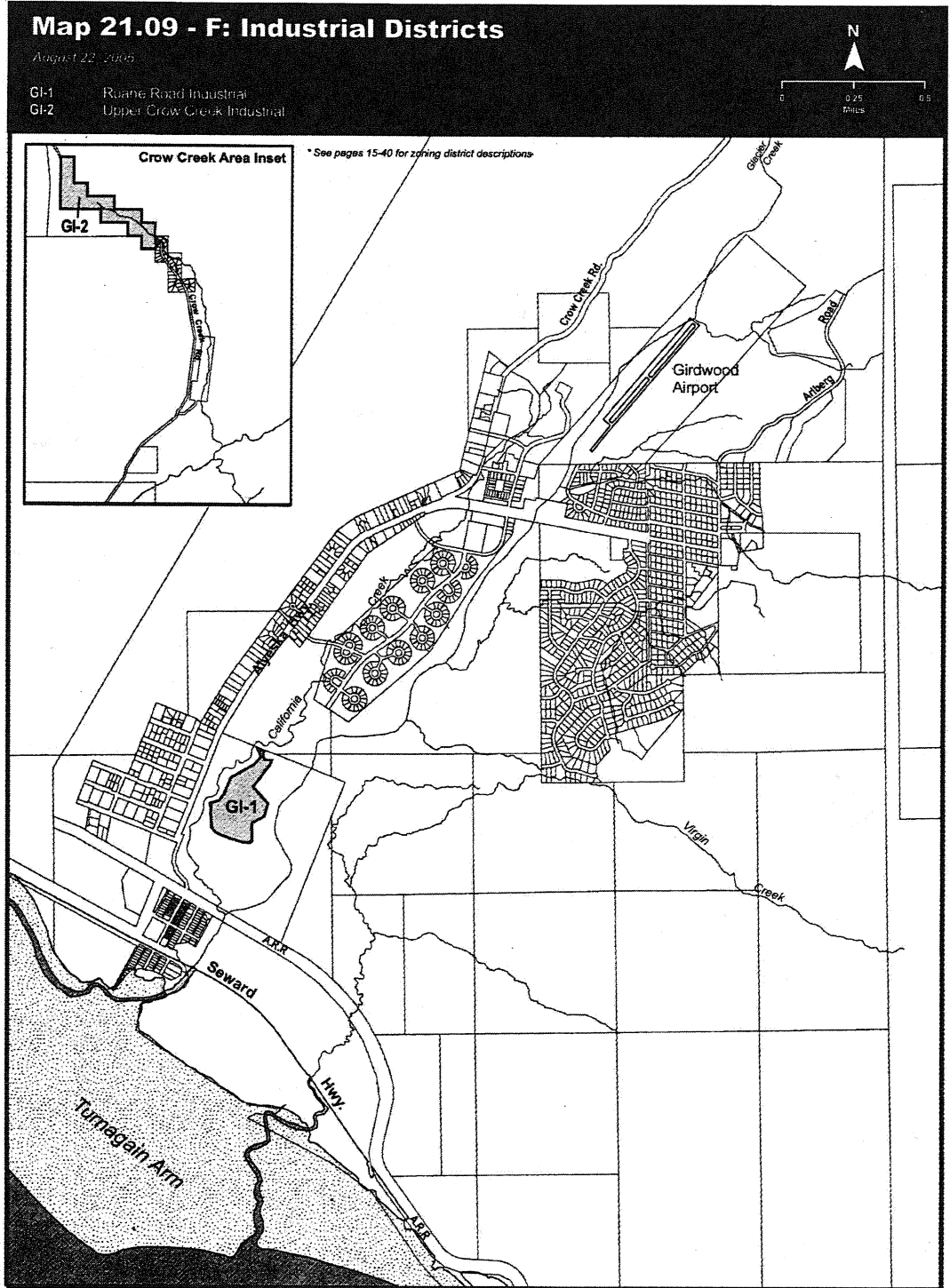
- |      |  |       |  |
|------|--|-------|--|
| GC-1 | Seward Highway/Alyeska Highway Commercial  | GC-6  | Crow Creek Road Commercial/Residential |
| GC-2 | Girdwood Station/Seward Highway Commercial | GC-7  | Townsite Square Commercial             |
| GC-3 | Old Townsite Commercial/Residential        | GC-8  | New Townsite North Commercial          |
| GC-4 | Lower Alyeska Highway Commercial           | GC-9  | East Hightower Commercial/Residential  |
| GC-5 | New Townsite South Commercial              | GC-10 | Upper Alyeska Highway Commercial       |



\* See pages 15-40 for zoning district descriptions



Map 21.09-E



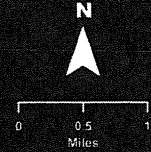
Map 21.09-F



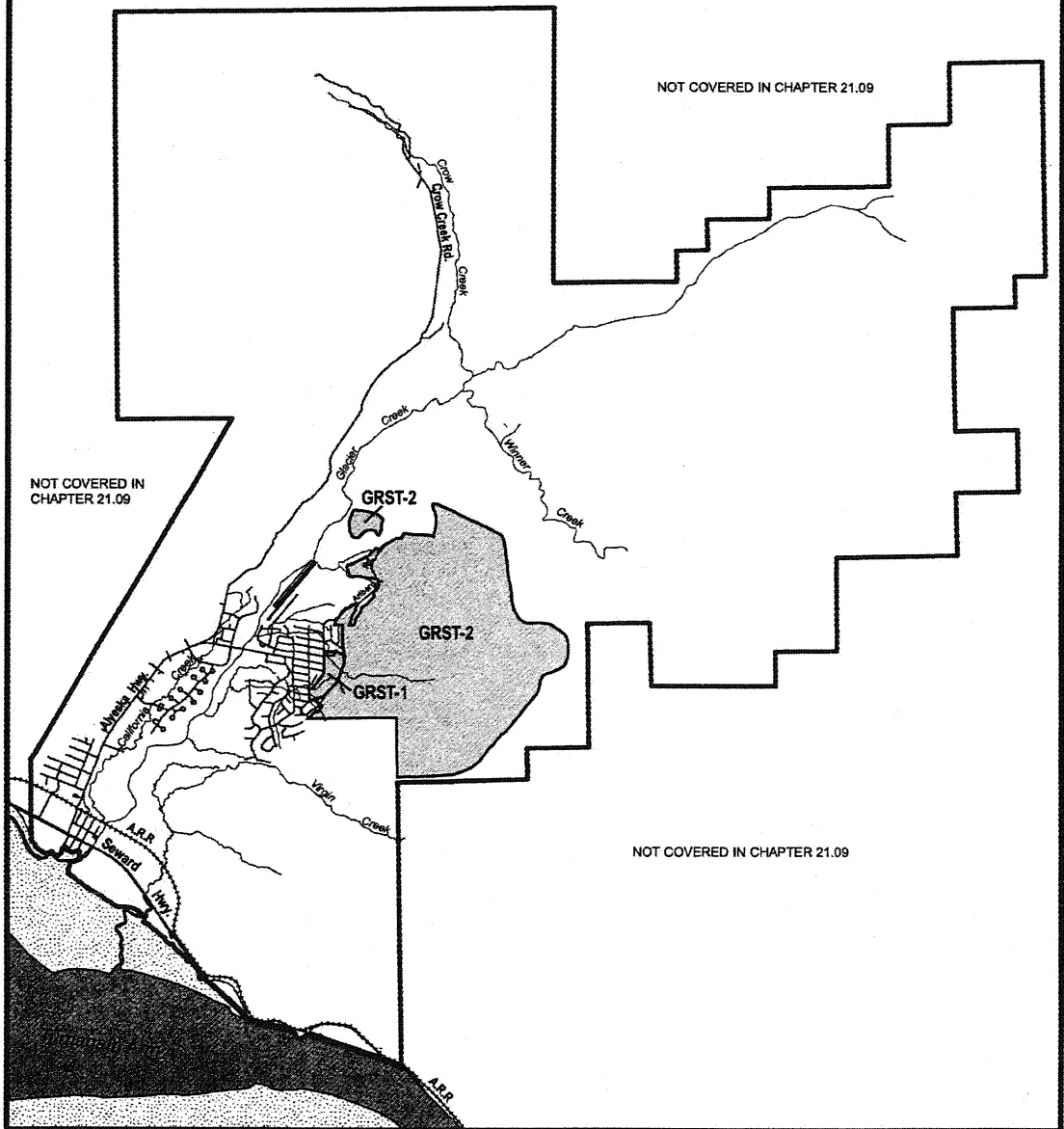
# Map 21.09 - G: Resort Districts

August 22, 2005

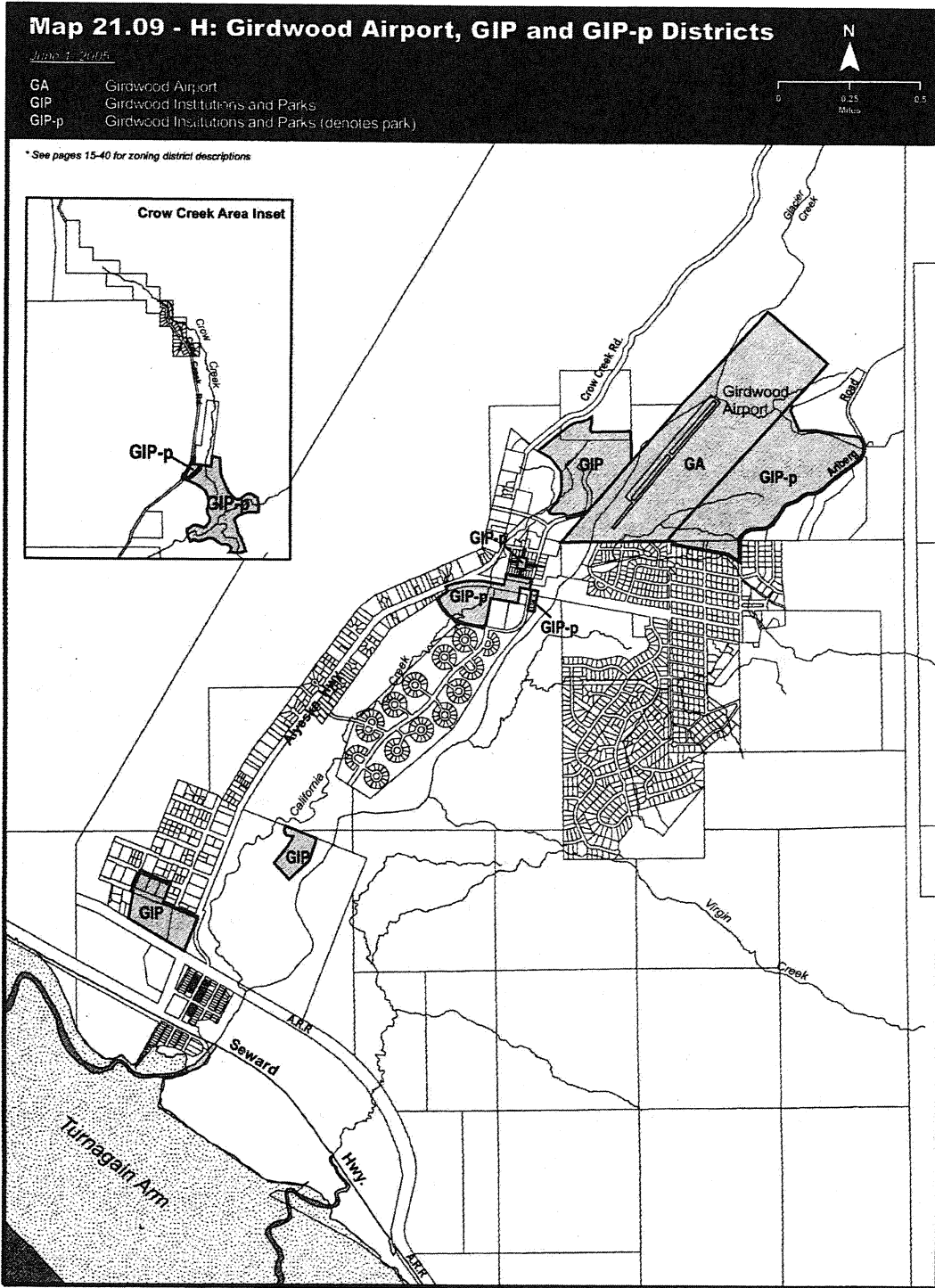
GRST-1 Original Mountain Base Resort  
GRST-2 New Base Resort



\* See pages 15-40 for zoning district descriptions



Map 21.09-G



Map 21.09-H

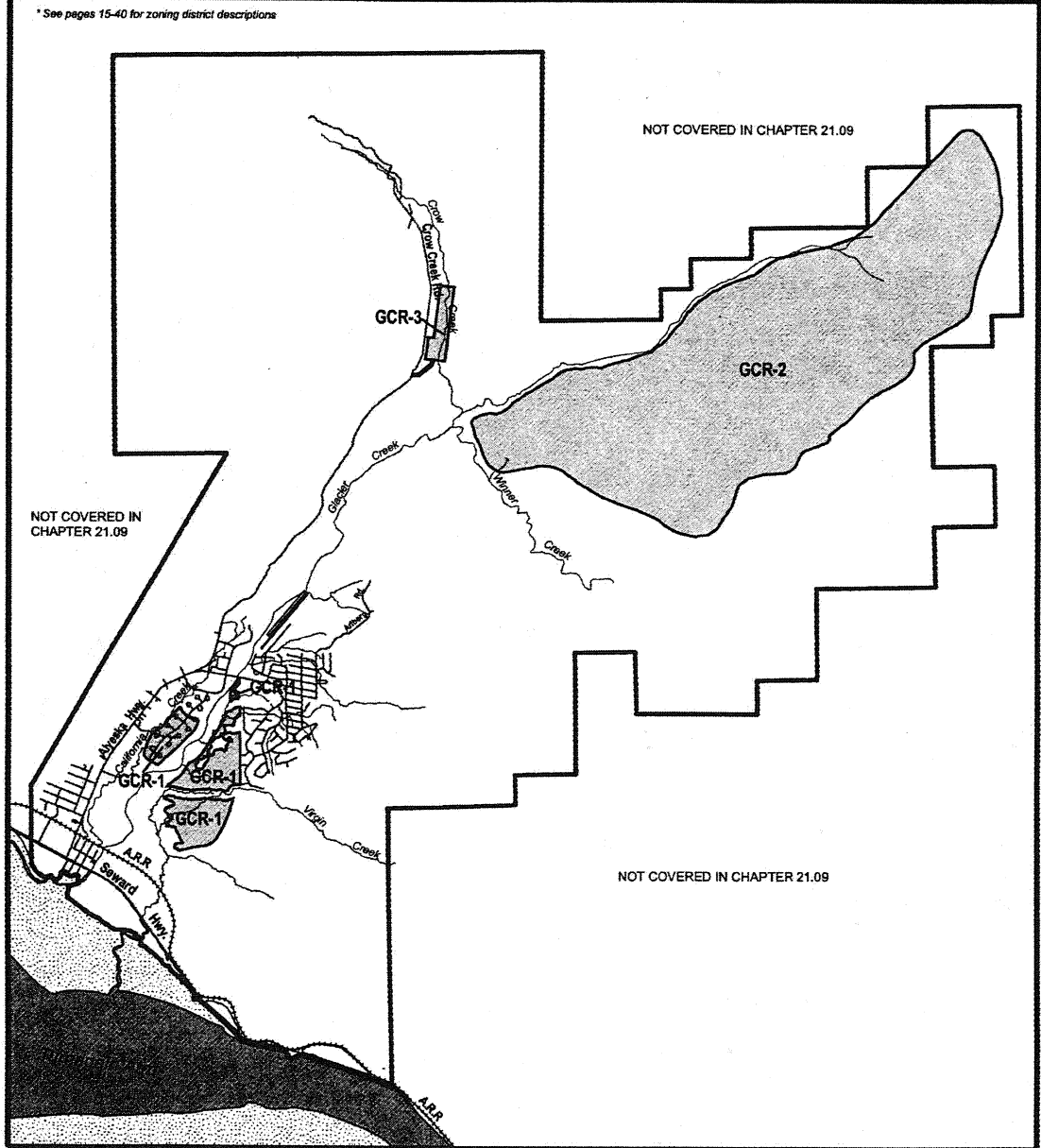
# Map 21.09 - I: Girdwood Commercial Recreation Districts 1, 2, and 3

August 22, 2005

- GCR-1 Golf Course/Nordic Ski Course Commercial Recreation
- GCR-2 Glacier-Winner Creek Commercial Recreation
- GCR-3 Crow Creek Historic Mine Commercial Recreation

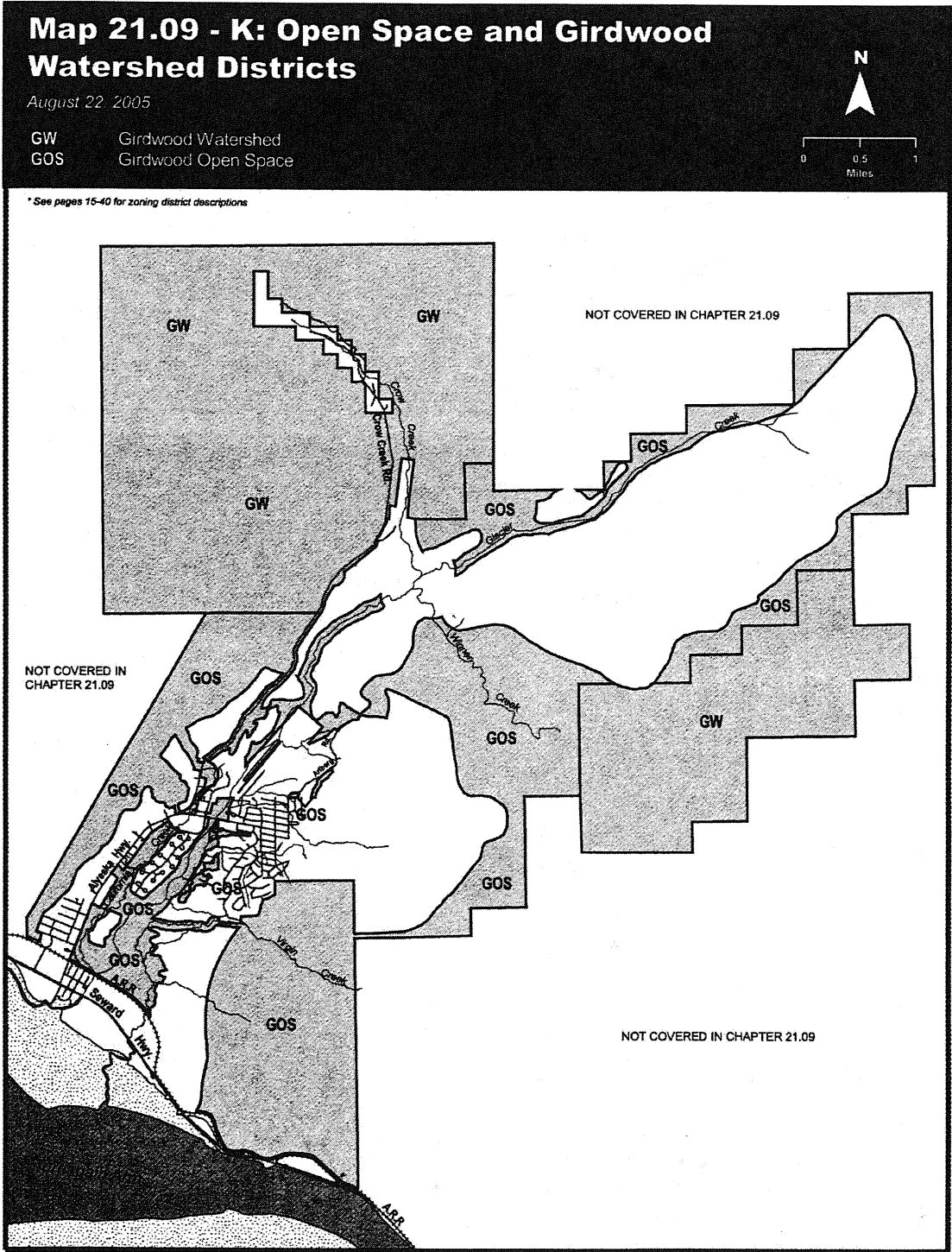


\* See pages 15-40 for zoning district descriptions



Map 21.09-I





Map 21.09-K

## Chapter 21.10

### **BOARDS AND COMMISSIONS; ADMINISTRATIVE OFFICERS\***

21.10.005	Administrative official and planning staff.
21.10.010	Composition and public comment on board and commission appointees.
21.10.015	Planning and zoning commission.
21.10.020	Platting board.
21.10.025	Zoning board of examiners and appeals.
21.10.027	Repealed.
21.10.028	Urban design commission.
21.10.030	Board of adjustment.
21.10.035	Hearing officer and rules of procedure.
21.10.040	Fees.

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\***Cross references**—Code of ethics, ch. 1.15; public meetings, ch. 1.25; mayor shall appoint operations manager, internal auditor and all heads of departments with assembly confirmation, § 3.20.020; boards and commissions, tit. 4; planning and zoning commission, § 4.40.100; platting board, § 4.40.110; urban design commission, § 4.40.125; zoning board of examiners and appeals, § 4.40.130.

**21.10.005 Administrative official and planning staff.**

A. The mayor may designate one or more members of the municipal staff as an administrative official. An administrative official shall administer and enforce this title and exercise such other powers and perform such other duties as are provided by law.

B. The staff of the municipal department of community planning and development and the building safety division of the department of public works shall act in an advisory and support capacity to the planning and zoning 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.

1. *Secretary.* The director of the department of community planning and development or a designee shall act as secretary to the planning and zoning commission, platting board, zoning board of examiners and appeals, and urban design commission.

(GAAB 21.05.080.A, B, 21.05.100; AMC 23.05.010.E, 10.10.050; AO No. 77-355; AO No. 85-23; AO No. 99-20, § 1, 5-25-99)

**21.10.010 Composition and public comment on board and commission appointees.**

A. *Composition.* The planning and zoning commission, urban design commission, platting board and zoning board of examiners and appeals shall each consist of nine members.

B. *Public comment on board and commission member appointment.* When transmitting to the assembly for confirmation the name of appointees to planning and zoning commission, the platting board, the urban design commission and the zoning board of examiners and appeals, the mayor shall cause a notice of a ten-day comment period

inviting public comment on the qualifications of such appointees to be published. The notice shall advise that comments shall be in writing and filed with the municipal clerk. Upon receipt, the municipal clerk shall forward comments received to the mayor and the assembly. The assembly shall not take action on any appointment to the named boards or commissions until after the close of the public comment periods.

C. *Code of Ethics and Conflicts of Interest.* Pursuant to section 1.15.030 of the Municipal Code of Ethics, Members of Municipal boards and commissions are officials of the Municipality and subject to its provisions prohibiting conflicts of interest. The Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals act in quasi-judicial, adjudicatory capacities as well as the capacity of advisory bodies.

1. *Code of Ethics.* In addition to and amplification of the Code of Ethics, the Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals and their members shall, in the performance of their quasi-judicial, adjudicatory responsibilities in all matters before them, including all matters which their members should reasonably know or expect to come before them:
  - a. Make their decisions solely on the applicable law and the evidence in the record presented to the panel through the clerk or secretary of the board or commission or, when permitted, submitted to the panel in an open hearing on the record.
  - b. Be impartial in fact and in appearance in the performance of their functions which means that the panel and its members shall make their decisions without any actual or seemingly apparent personal or financial bias, prejudice, prejudgment or partiality with respect [to] any person, party, or principle of law;

- c. Conduct their proceedings according to the applicable procedures provided by law; and
  - d. Refrain from and not permit any ex parte contact or communication with any person regarding any matter pending before or which may be reasonably expected to be pending before them and report unavoidable ex parte contacts and communications to the full panel in open hearing on the record.
    - i. Ex parte contacts or communications are the receipt, either directly or indirectly, of verbal, visual or written communications outside a duly noticed, open hearing on the record at which all parties and all panel members have an opportunity to be present.
    - ii. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission until after all appeal and remands for further consideration have concluded or the time for such has expired.
2. *Conflict of Interest.* Members of the Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals shall not attend or participate in any matter before them regarding which the member has a conflict of interest.
- a. Immediately upon discovering the existence of any conflict of interest prohibited by this section or the Municipal Code of Ethics or State law applicable to local government officials, the board or commission member shall fully disclose on the record in open session of the board or commission the nature of and the facts creating the conflict and shall be

disqualified from any participation in or communications with other members of the board or commission on the matter with which a conflict exists.

- 3. *Removal of Member.* A member of the Planning and Zoning Commission, the Platting Board, the Urban Design Commission and the Zoning Board of Examiners and Appeals found by the Board of Ethics to have participated in any matter with a conflict of interest therein shall automatically cease to be a member of his or her board or commission and a vacancy shall exist.

(GAAB 21.30.070, 21.30.180, 21.30.300, 21.30.400; AO No. 82-49; AO No. 99-20, § 2, 5-25-99; AO No. 2009-134, § 1, 1-12-10)

#### **21.10.015 Planning and zoning commission.**

A. There shall be a planning and zoning commission, which shall have the following powers and duties:

- 1. Develop, review and make recommendations to the assembly regarding policies, plans and ordinances to implement the municipal function of planning for the economic, social and land use needs of the community.
- 2. Develop, review and make recommendations to the assembly regarding the comprehensive development plan and amendments thereto. The assembly shall not adopt an element of the comprehensive development plan or any amendment thereto until it has been reviewed by the commission.
- 3. Review and make recommendations to the assembly regarding proposed amendments to this title, except amendments to chapters 21.67 and 21.75 through 21.87, and proposed regulations to implement, interpret or make specific provisions of this title, except provisions of chapters 21.67 and 21.75 through 21.87. Except as stated in this subsection, the assembly shall not adopt such an amendment or regulation until it has been reviewed by



the commission. If the commission is requested by the assembly on the record to review an amendment or regulation, it shall do so within six months of the request. If the commission is unable to make a recommendation to the assembly within six months of the request, the commission shall request additional time to review the amendment or regulation. The assembly may, after the request for additional time, grant whatever more time may be appropriate, or the assembly may take action on the amendment or regulation without further review or input from the commission.

4. Review and make recommendations to the assembly regarding applications to amend the zoning map, in accordance with chapter 21.20. Except as stated in this subsection, the assembly shall not adopt such an amendment until it has been reviewed by the commission. If the commission is requested by the assembly on the record to review a zoning map amendment, it shall do so within six months of the request. If the commission is unable to make a recommendation to the assembly within six months of the request, the commission shall request additional time to review the amendment or regulation. The assembly may, after the request for additional time, grant whatever more time may be appropriate, or the assembly may take action on the amendment or regulation without further review or input from the commission.
5. Hear and decide applications for conditional uses in accordance with section 21.15.030.
6. Review and make recommendations to the assembly and school board regarding the annual capital improvement program of the municipality and school district.
7. Review and make recommendations to the mayor and assembly regarding public facility sites in accordance with section 21.15.015.

8. Review and make recommendations to the mayor regarding the annual work program of the department of community planning and development. The director of the department of community planning and development shall submit the annual work program to the commission for review before preparing the annual budget.
9. Promulgate regulations to implement, interpret or make specific the provisions of this title, except provisions of chapters 21.67 and 21.75 through 21.87, in accordance with the provisions of chapter 3.40.
10. Hear and decide applications for variances under subsections 21.40.150H., 21.40.160H., and 21.40.170H.
11. Exercise such other powers, and perform such other duties, as are provided by law.

B. The planning and zoning commission may delegate its powers and duties to a hearing officer as provided in section 21.10.035.

C. The planning and zoning commission may delegate to the urban design commission the authority to review and decide upon, with regard to site design, landscaping and structure design:

1. A conditional use;
2. A special limitation; or
3. A site plan subject to review by the planning and zoning commission.

(GAAB 21.30.120; AO No. 77-355; AO No. 82-49; AO No. 82-167; AO No. 84-20; AO No. 84-70; AO No. 84-211; AO No. 85-72; AO No. 85-160; AO No. 86-54; AO No. 86-155; AO No. 99-131, § 1, 10-26-99; AO No. 2003-117, § 3, 1-28-03)

**Cross references**—Appointment of boards and commissions, ch. 4.05; planning and zoning commission, § 4.40.100.

#### **21.10.020 Platting board.**

A. There shall be a platting board, which shall have the following powers and duties:

1. Hear and decide applications for plat approval in accordance with sections 21.15.100 through 21.15.120 and 21.15.134.

2. Hear and decide applications for vacations of dedicated public areas in accordance with section 21.15.130.
3. Hear and decide applications for variances from the provisions of subsections 21.09.070C., 21.09.070D., 21.09.070F., 21.09.070G.1., 21.09.070J., 21.09.070N. and chapters 21.80 and 21.85, in accordance with section 21.15.010.
4. Review, and make recommendations to the assembly regarding, all proposed amendments to chapters 21.75 through 21.87 and all proposed regulations to implement, interpret or make specific chapters 21.75 through 21.87. The assembly shall not adopt such an amendment or regulation until it has been reviewed by the platting board.
5. Promulgate regulations to implement, interpret or make specific chapters 21.75 through 21.87 in accordance with the provisions of chapter 3.40.
6. Authorize extensions of subdivision agreements as provided in section 21.87.020.
7. Hear and decide appeals under subsection 21.15.150L.
8. Exercise such other powers, and perform such other duties, as are provided by law.

B. The platting board may delegate to the urban design commission the authority to review and decide upon, with regard to site design and landscaping:

1. A preliminary or final plat; or
2. A site plan subject to review by the platting board.

(GAAB 21.10.090, 21.30.130, 21.30.230; AO No. 83-142; AO No. 85-160, 1-8-86; AO No. 87-111; AO No. 2003-68, § 2, 9-30-03; AO No. 2009-48, § 2, 4-28-09)

**Cross references**—Appointments of boards and commissions, ch. 4.05; platting board, § 4.40.110.

### **21.10.025 Zoning board of examiners and appeals.**

There shall be a zoning board of examiners and appeals, which shall have the following powers and duties:

- A. Hear and decide applications for variances from the provisions of chapters 21.09.050, 21.09.060, 21.09.070E., 21.09.070G.2., 21.09.070H., 21.09.070L., 21.09.070K., 21.09.070L., 21.09.070O., and 21.35 through 21.65 in accordance with section 21.15.010, except applications for variances from the provisions of subsections 21.40.150H., 21.40.160H., and 21.40.170H.
- B. Hear and decide appeals from enforcement orders, denials of permit or certificate applications, and decisions to approve or deny section 21.15.013 administrative variance applications, under sections 21.30.110 through 21.30.170, and 21.55.040.
- C. Promulgate regulations concerning permitted uses under section 21.40.015.
- D. Exercise such other powers, and perform such other duties, as are provided by law. (GAAB 21.30.250, 21.30.350; AO No. 77-355; AO No. 85-23; AO No. 99-131, § 2, 10-26-99; AO No. 2001-117, § 1, 7-10-01; AO No. 2005-124(S-1A), § 1, 4-18-06; AO No. 2009-48, § 3, 4-28-09)

**Cross references**—Appointment of boards and commissions, ch. 4.05; zoning board of examiners and appeals, § 4.40.130.

### **21.10.027 Repealed.**

**Editor's note**—AO No. 99-20, § 2, adopted May 25, 1999, renumbered the provisions of § 21.10.027 as § 21.10.035. See the Code Comparative Table.

### **21.10.028 Urban design commission.**

There shall be an urban design commission, which shall have the following powers and duties:

- A. Advise the mayor and assembly regarding urban design matters.
- B. Review and decide special limitations of zoning map amendments, conditional uses, plats and site plans in accordance with

- authority delegated by the planning and zoning commission or platting board under this title.
- C. Hear and decide upon applications for highway landscaping approval under section 21.45.130.
- D. Review and decide upon street and highway landscape plans in accordance with section 24.15.030.
- E. Review and decide upon public facility project landscaping plans in accordance with section 21.15.025.
- F. Review and decide upon public facility site plans as determined in section 21.15.015.
- G. Review and make recommendations to the mayor and assembly regarding plans of government agencies not exempt by law from such review, for construction in, upon or adjacent to municipal property, including streets and sidewalks, concerning the compatibility of the construction with urban design standards and objectives.
- H. Review and make recommendations to the mayor and assembly regarding any state or municipal plan or program affecting urban design or aesthetics in the municipality. These plans shall be reviewed by the planning and zoning commission prior to transmittal to the mayor or assembly.
- I. Prepare and make recommendations on design standards and guidelines, ordinances affecting urban design, and urban design studies and plans to the mayor and assembly. These standards, ordinances and plans shall be reviewed by the planning and zoning commission prior to submittal to the mayor or assembly.
- J. Annually, before preparation of the capital improvement program, prepare and submit to the mayor a list of public facility projects needing landscaping but not scheduled for major remodeling, construction or reconstruction. The list shall include cost estimates for each project and indicate each project's priority.
- K. Develop, adopt and recommend to the assembly a street and highway landscape plan, and recommend measures to implement that plan. This plan shall be reviewed by the planning and zoning commission prior to submittal to the mayor or assembly.
- L. Hear and decide applications for variances from the provisions of subsections 21.09.070M and 21.09.080, and chapter 21.47 in accordance with sections 21.15.010 and 21.47.110.
- M. Exercise such other powers, and perform such other duties, as are provided by law. (CAC 2.64.520—2.64.540; AO No. 81-180; AO No. 82-167; AO No. 84-30; AO No. 85-160, 1-8-86; AO No. 2008-15(S-2), § 1, 8-19-08; AO No. 2009-48, § 4, 4-28-09)
- Cross references**—Appointments of boards and commissions, ch. 4.05; urban design commission, § 4.40.125.
- 21.10.030 Board of adjustment.**
- A. There is a board of adjustment, which shall decide appeals from:
1. Decisions regarding the approval or disapproval of a plat or variance from the provisions of chapters 21.80 and 21.85; and
  2. Decisions regarding the approval or disapproval of applications for concept or final approval of conditional uses;
- in accordance with chapter 21.30.
- B. The board of adjustment shall be:
1. A three-member board of adjustment, with two alternate members to serve in the absence of the three sitting members, for appeals from the platting board and the planning and zoning commission, whose members are nominated by the mayor and confirmed by eight members of the assembly for three-year staggered terms. The board's seats shall be designated Seats 1, 2, and 3. The board members shall be

knowledgeable and experienced in administrative law and in the provisions of Title 21 of the Municipal Code.

2. The planning and zoning commission, for appeals from the hearing officer.

C. When transmitting to the assembly for confirmation the name of appointees to the board of adjustment, the mayor shall cause a notice of a ten-day comment period inviting public comment on the qualifications of such appointees to be published. The notice shall advise that comments shall be in writing and filed with the municipal clerk. Upon receipt, the municipal clerk shall forward comments received to the mayor and the assembly. The assembly shall not take action on any appointment to the board of adjustment until after the close of the public comment period.

(GAAB 21.30.360, 21.30.370; AO No. 73-76; AO No. 77-355; AO No. 84-70; AO No. 85-72; AO No. 86-155; AO No. 2003-58, § 1, 7-8-03; AO No. 2003-151, § 1, 12-2-03; AO No. 2009-134, § 1, 1-12-10)

**Editor's note**—AO 2003-58(am) effective July 8, 2003 as originally codified had erroneously omitted floor amendments. Later codification does not affect the floor amendments' effective date.

**Cross reference**—Appointment of boards and commissions, ch. 4.05.

### **21.10.035 Hearing officer and rules of procedure.**

A. There shall be one or more hearing officers appointed by the director of the department of community planning and development and confirmed by the planning and zoning commission. The planning and zoning commission may, by resolution, delegate to a hearing officer the authority to hear and decide applications for one or more types of conditional use, in accordance with section 21.15.030. The planning and zoning commission may, by resolution, revoke such a delegation in whole or in part at any time.

1. In reviewing, hearing and deciding upon an application, the hearing officer shall follow the procedures governing the planning and zoning commission.
2. The hearing officer may announce his decision at the conclusion of the hearing, and shall issue a written decision within

seven days of hearing an application. The written decision shall be signed by the hearing officer and attested by the director of the department of community planning and development. The time for appeal is computed from the date of the written decision. A copy of the written decision shall be submitted to the planning and zoning commission at its next regular meeting.

B. *Rules of procedure.* The planning and zoning commission, platting board, zoning board of examiners and appeals, and urban design commission may each promulgate regulations to establish rules of procedure for the conduct of its business, in accordance with the provisions of chapter 3.40. If rules of procedure adopted under this subsection conflict with chapter 3.60, the rules of procedure shall govern.

(GAAB 21.30.030—21.30.110, 21.30.140—21.30.220, 21.30.260—21.30.340; AO No. 79-78; AO No. 82-49; AO No. 85-160, 1-8-86; AO No. 88-42; AO No. 99-20, § 3, 5-25-99)

### **21.10.040 Fees.**

Fees shall be assessed for the administration of this title. The fees shall be paid upon application for zoning map amendments, variances, conditional uses, subdivisions, vacations, appeals, permits, inspections and other entitlements issued pursuant to this title. Other miscellaneous fees may be assessed as approved by the assembly. The fee schedule shall be established by regulation in accordance with chapter 3.40.

(AO No. 91-40)

Chapter 21.12  
NONCONFORMITIES\*

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\***Editor's note**—Chapter 21.12 is effective at a future unspecified date when the Assembly adopts and repeals other chapters at the conclusion of the rewrite of Title 21 as stated in AO 2007-116, § 2, 12-11-2007. The chapter will be published when it becomes effective. Until publication, the ordinance may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

Chapter 21.13  
**ENFORCEMENT\***

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**\*Editor's note**—Chapter 21.13 is effective at a future unspecified date when the Assembly adopts and repeals other chapters at the conclusion of the rewrite of Title 21 as stated in AO 2006-172, §§ 4 and 5, 4-10-2007. The chapter will be published when it becomes effective. Until publication, the ordinance may be viewed at <http://www.muni.org/departments/planning/projects/t21/Pages/Title21Rewrite.aspx> or at the Municipal Clerk's Office.

Chapter 21.15

**VARIANCES, CONDITIONAL USES, SUBDIVISION APPROVAL AND OTHER SPECIAL  
LAND USE PERMITS\***

21.15.005	Notice of public hearings.
21.15.010	Procedure for obtaining variance.
21.15.012	Procedure for obtaining administrative variance for minor dimensional errors.
21.15.013	Administrative variance from occupancy limits for residential care facilities.
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21.15.050	Land use permit.
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21.15.065	Administrative permit.
21.15.070	Mobile home park—Annual permit required. (Repealed)
21.15.080	Mobile home park—Permit application. (Repealed)
21.15.090	Mobile home park permit—Continuation of prior law. (Repealed)
21.15.100	Approval of subdivision plats—Review required; public hearing; pre-application.
21.15.110	Approval of subdivision plats—Submission of preliminary plat.
21.15.115	Approval of subdivision plats—Action on preliminary plat.
21.15.120	Approval of subdivision plats—Final plat.
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21.15.125	Approval of subdivision plats—Abbreviated plat procedure.
21.15.127	Approval of record of survey maps.
21.15.130	Approval of vacations.
21.15.133	Approval of street name alterations.
21.15.134	Approval of plans for commercial tracts.
21.15.135	Fees. (Repealed)
21.15.150	Improvements associated with building or land use permits.

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\***Cross references**—Fines, § 14.60.030; standards for conditional uses and site plans, ch. 21.50; subdivision standards, general provisions, ch. 21.75.

**21.15.005 Notice of public hearings.**

A. When a provision of this title requires a public hearing, notice of the hearing shall conform to this section.

1. Notice by publication, mailing and posting is required for:
  - a. Public hearings on conditional use approval and modification.
  - b. Public hearings on cluster housing site plan approval and modification.
  - c. Public hearings on site plan approval and modification, unless otherwise specified by ordinance.
  - d. Public hearings on variances from the provisions of chapters 21.35 through 21.60.
  - e. Public hearings on zoning map amendments.
  - f. Public hearings on subdivisions with existing physical access.
2. Notice by publication and mailing is required for:
  - a. Public hearings on subdivisions without existing physical access.
  - b. Public hearings on vacations of dedicated public areas.
  - c. Public hearings on variances from the provisions of chapters 21.80 and 21.85.
  - d. Public hearings on street name alterations.
3. Notice by publication is required for any other public hearing under this title.

B. All notices of a public hearing shall be published, mailed or posted at least 21 days before the public hearing.

C. The form of notices shall be as follows:

1. All mailed and published notices of the public hearing shall state:
  - a. The date, time and location of the public hearing.
  - b. A description of the application.

- c. The legal description of the land, and, if available, a street address for the property subject to the application and a map of the vicinity of that land shall be included with the mailed notice.
  - d. For a public hearing before the assembly on a zoning map amendment, a description of the protest provisions of sections 21.20.110 and 21.20.120.
  - e. For a public hearing on an areawide zoning map amendment, a description of the amendment provisions in sections 21.20.100.A.2 and 21.20.120.A.3.
2. All posted notices shall be in a form approved by the department of community planning and development.
  3. For purposes of this section, the term "map of the vicinity" means a diagram which depicts the subject property in a manner that allows a reasonable person to determine its approximate location.

D. The municipality shall provide notice by publication.

E. Except as provided in subsection 4 of this subsection, the department of community planning and development shall provide notice by mailing to:

1. Any officially recognized community council whose boundaries contain land described in subsection 2 of this subsection;
2. All persons listed on the records of the municipal assessor as owners of land subject to the application or as owners of (a) the parcels within 500 feet of the outer boundary of the land subject to the application, or (b) the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor;



3. Such additional persons or geographic areas as the approving authority may designate; and
4. For a public hearing before the assembly on a street name alteration under section 21.15.133, the municipal clerk shall provide notice by mailing to all persons listed on the records of the municipal assessor as owners of land fronting on the street subject to the alteration, at the mailing addresses of such persons in the records of the municipal assessor.

F. The applicant shall provide notice by posting the land subject to the application with notices visible from each improved street adjacent to that land. Before the public hearing, the applicant shall submit to the department of community planning and development an affidavit, signed by the person who did the posting or the person who caused the posting to be done, that notice was posted as required by this subsection.

G. When the records of the municipality document the publication, mailing and posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

(GAAB 21.05.080.F, 21.10.060; AO No. 16-76; AO No. 77-355; AO No. 78-187; AO No. 78-231; AO No. 79-34; AO No. 79-169; AO No. 79-214; AO No. 82-33(S); AO No. 82-49; AO No. 83-142; AO No. 84-20; AO No. 84-32; AO No. 84-70; AO No. 85-21; AO No. 85-58; AO No. 92-67(S-1); AO No. 2009-134, § 1, 1-12-10)

**21.15.010 Procedure for obtaining variance.**

A. *Generally.* Except as provided in Section 21.15.012, an application for a variance is subject to this section. Any variance shall be the minimum variance that will make possible a reasonable use of the land equivalent to, but not exceeding, the use of similar land permitted generally in the same zoning district. A variance from the floodplain regulations must be in accordance with Chapter 21.60. A variance from the airport height zoning regulations must be substantiated by a finding of "no hazard" by the Federal Aviation Administration upon completion of an airspace

determination and a recommendation from the municipal airports aviation advisory commission.

B. *Application.* An application for a variance shall be submitted to the secretary of the board on a form prepared by the municipality.

1. An application for a variance to the zoning board of examiners and appeals shall include either:
  - a. An as-built survey, no more than two years old by date of application, with an original signature and seal by a registered professional land surveyor in the State of Alaska; or
  - b. A plot plan survey, no more than two years old by date of application, with an original signature and seal by a registered professional land surveyor, licensed in the State of Alaska;
    - a. An as-built survey, no less than two years old by date of application, with an original signature and seal by a registered professional land surveyor in the State of Alaska; or
    - b. A plot plan survey, no less than two years old by date of application, with an original signature and seal by a registered professional land surveyor, licensed in the State of Alaska;
  - c. The as-built or plot plan survey drawing shall clearly show current existing conditions.
2. If the application involves new construction or demolition, the as-built survey shall clearly show the extent of the proposed changes.
3. The as-built survey or plot plan shall be drawn to scale, be clear, legible, show all structures existing on-site at the time of application, including eaves, cantilevers or any structures 30 inches or more above ground, and show detailed dimensions of the item for which relief is sought.
4. The basis for lot measurements shall be identified on the as-built survey or plot plan.

5. The as-built or plot plan shall also include, at a minimum, the legal description of the petition site, lot square footage, dedicated easements and abutting rights-of-way, include a directional arrow to the north, scale of map, grid number and date of survey.
  6. As-built surveys submitted shall be no more than two years old at the time of application, and shall meet or exceed the most recently adopted "Alaska Society of Professional Land Surveyors Minimum Standards for the Practice of Land Surveying."
  7. The planning director may request other drawings or material essential to an understanding of the application and its relationship to the surrounding properties, including:
    - a. Site contours or a clear depiction of ground slope, if slope is a consideration in the review;
    - b. Location of adjacent structures, if fire/safety issues are a consideration;
    - c. Height of structures; and
    - d. Any other data that will assist in the review.
- C. *Standards.* A request for variance may be initiated only by the property owner or 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 substantially meets the following standards:
1. With respect to variances from the zoning regulations other than the airport height zoning regulations set forth at Chapter 21.65:
    - a. There exist exceptional or extraordinary physical circumstances of the subject property such as, but not limited to, streams, wetlands, or slope, and such physical circumstances are not applicable to other land in the same district;
    - b. Because of these physical circumstances, the strict application of this code would create an exceptional or undue hardship upon the property owner, and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;
    - c. The hardship is not self-imposed, and special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute inconvenience;
    - d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this Code;
    - e. The variance, if granted, is in keeping with the intent of this Code, will not change the character of the zoning district in which the property is located, and will not permit a use that is not otherwise permitted in the district in which the property lies;
    - f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the Municipality of Anchorage; and
    - g. The variance granted is the minimum variance that will make possible a reasonable use of the land.
  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;
    - 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;

- c. Such variance will not have the effect of nullifying the intent and pur-

pose 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.
- 3. With respect to variances from the airport height zoning regulations set forth at Chapter 21.65: The Federal Aviation Administration has completed an airspace determination which concludes that the proposed variance would not create a hazard.
- 4. With respect to variances for the number of parking spaces: The application shall demonstrate the number of parking spaces needed by the applicant and that spillover of parking onto other properties will be avoided if the variance is granted.

D. *Public hearing.* Before a variance application is acted upon, there shall be a public hearing on the application.

E. *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. of this section.

F. *Approval.*

- 1. The board empowered to hear the request for the variance shall conduct an inquiry designed to find whether all 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. of this section. A concurring vote of a majority of the fully constituted membership of the board shall be required to grant a variance.
- 2. In granting any variance each board may prescribe conditions and safeguards to ensure conformity with the purpose and intent of all relevant planning and land use ordinances. Violation of any such con-

dition or safeguard, when made a part of the terms of the variance, shall be deemed an unlawful act and shall act to void the variance.

- 3. Any variance granted shall become null and void:
  - a. If the variance is not exercised within one year or **as otherwise conditioned** of the date it is granted, or
  - b. If any building, structure or characteristic of use permitted by variance is moved or altered so as to enlarge the variance or discontinue it.

G. *Appeals.* An appeal from a decision of the platting board shall be brought in accordance with sections 21.30.010 through 21.30.100. An appeal from a decision of the zoning board of examiners and appeals shall be brought in accordance with section 21.30.180.

H. *Variance for number of parking spaces.* A variance for the number of parking spaces shall be granted on the basis of the demonstrated need for parking and if the spillover of parking onto other properties will be avoided. (GAAB 21.05.080.F, 21.10.060; AO No. 79-169; AO No. 85-21; AO No. 85-160, 1-8-86; AO No. 86-63; AO No. 89-30; AO No. 99-131, § 3, 10-26-99; AO No. 2003-150, § 1, 12-17-03; AO No. 2007-117, § 1, 9-25-07; AO No. 2007-144, § 1, 9-25-07)

**21.15.012 Procedure for obtaining administrative variance for minor dimensional errors.**

A. All minimum linear dimensions have a tolerance of 0.1 feet. Any measurement that is verified by a registered surveyor that falls within this tolerance limit complies with the specified dimension. This subsection is not an entitlement to deviate from the requirements of any other code sections.

B. The Director of Community Planning and Development, with the concurrence of the Director of Public Works, may grant an administrative variance from the strict application of the dimensional aspects of a zoning ordinance, but only in

accordance with Table A and only for construction errors that are the result of excusable neglect on the part of the applicant, provided:

1. the amount of deviation does not exceed the limit set forth in Table A plus the tolerance of subsection A above,
2. the structural component is an essential element of the structure as opposed to a decorative element or an element constructed as a convenience to applicant and not a necessity,
3. the violation of the zoning ordinance does not materially affect the purpose of the ordinance,
4. there is no reasonable alternative to mitigate or remove the violation, and
5. a fee has been received.

C. If the request for the administrative variance is denied, the applicant may request a variance under AMC 21.15.010.

D. Definitions.

1. For purposes of this section, "Applicant" means the person or entity who created the construction error. Applications for administrative variances from construction errors which existed prior to the effective date of this ordinance may be made by the property owner.

2. *Excusable neglect* means the failure of an objectively reasonable and prudent person, in good faith, to take the proper steps at the proper time, but not in consequence of the party's own carelessness, inattention, or willful disregard of the law, but in consequence of some unexpected or unavoidable hindrance or accident. Applicants involved in the professional trades which utilize Title 21 shall not be granted a variance under this section for errors an objectively reasonable and prudent person in their trade knew or should have known violated this title. *Excusable neglect* includes:
  - a. Transportation or other manifest clerical errors in mathematical calculations.
  - b. A reasonable, but mistaken interpretation of a code provision in this title.
  - c. Unforeseeable or unavoidable accident.

E. No variance may be granted under this section if doing so will create a violation of Title 23 or Title 24.

F. This Code section shall be reviewed by the Zoning Board of Examiners and Appeals at least every two years.

TABLE A

Dimension Tolerances for Administrative Variances  
(all dimensions are in feet)

Zoning District	Front Yard	Secondary Front Yard	Side Yard	Rear Yard	Lot Area	Lot Width	Lot Coverage	Front Yard Fence Height
PLI	1.2	0.6	1.2	1.4	0	0	2% over the lot coverage specified for the lot size (see 21.40.020G.)	0
R-1, R-1A	0.9	0.4	0.4	0.9	0	0	32%	0
R-2A, R-2D, R-2M	0.9	0.4	0.4	0.9	0	0	42%	0
R-3 (1 & 2 Family)	0.9	0.4	0.4	0.9	0	0	42%	0

VARIANCES, CONDITIONAL USES, SUBDIVISION APPROVAL

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Zoning District	Front Yard	Secondary Front Yard	Side Yard	Rear Yard	Lot Area	Lot Width	Lot Coverage	Front Yard Fence Height
R-3	0.9	0.4	0.8	1.8	0	0	41%	0
R-4	0.9	0.4	0.4	0.9	0	0	0%	0
R-5	0.9	0.4	0.4	0.9	0	0	31%	0
R-5A	2.3	1.2	0.9	0.9	0	0	31%	0
R-6	4.4	2.3	2.3	4.4	0	0	31%	0
R-7	2.3	1.2	0.8	0.9	0	0	31%	0
R-8, R-9	2.3	1.2	1.3	2.3	0	0	0	0
R-10	—	—	2.3	—	0	0	0	0
R-11 Residential	0.9	0.4	0.4	0.4	0	0	0	0
R-11 Commercial Industrial	0.9	0.4	0.4	1.4	0	0	0	0
R-O	0.9	0.4	0.4	0.4	0	0	0	0
B-1A	0.9	0.4	0.4	0.4	0	0	0	0
B-1B	0.9	0.4	0.4	0.9	0	0	0	0
B-2A, B-2B, B-2C	—	—	—	—	0	0	0	0
B-3	0.9	0.4	0.4	1.4	0	0	0	0
B-4	0.9	0.4	—	—	0	0	0	0
I-1, I-2, I-3	0.9	0.4	—	—	0	0	0	0
MC	0.9	0.4	—	—	—	—	—	—
MI	0.9	0.4	—	—	0	0	0	0
W	—	—	—	—	—	—	—	—
T	—	—	—	—	0	0	0	0
PC	—	—	—	—	—	—	—	—
AF	4.9	2.3	2.3	2.3	0	0	0	0
gR-1	1%	1%	1%	1%	1%	1%	1%	0
gR-2	1%	1%	1%	1%	1%	1%	1%	0
gR-2A	1%	1%	1%	1%	1%	1%	1%	0
gR-3	1%	1%	1%	1%	1%	1%	1%	0
gR-4	1%	1%	1%	1%	1%	1%	1%	0
gR-5	1%	1%	1%	1%	1%	1%	1%	0
gC-1	1%	1%	1%	1%	1%	1%	1%	0
gC-2	1%	1%	1%	1%	1%	1%	1%	0
gC-3	1%	1%	1%	1%	1%	1%	1%	0
gC-4	1%	1%	1%	1%	1%	1%	1%	0
gC-5	1%	1%	1%	1%	1%	1%	1%	0
gC-6	1%	1%	1%	1%	1%	1%	1%	0
gC-7	1%	1%	1%	1%	1%	1%	1%	0
gC-8	1%	1%	1%	1%	1%	1%	1%	0
gC-9	1%	1%	1%	1%	1%	1%	1%	0
gC-10	1%	1%	1%	1%	1%	1%	1%	0
gl-1	1%	1%	1%	1%	1%	1%	1%	0
gl-2	1%	1%	1%	1%	1%	1%	1%	0
GRST-1	1%	1%	1%	1%	1%	1%	1%	0
GRST-2	1%	1%	1%	1%	1%	1%	1%	0
GA	1%	1%	1%	1%	1%	1%	1%	0
GOS	1%	1%	1%	1%	1%	1%	1%	0
GIP	1%	1%	1%	1%	1%	1%	1%	0
GCR-1	1%	1%	1%	1%	1%	1%	1%	0
GCR-2	1%	1%	1%	1%	1%	1%	1%	0

Zoning District	Front Yard	Secondary Front Yard	Side Yard	Rear Yard	Lot Area	Lot Width	Lot Coverage	Front Yard Fence Height
GCR-3	1%	1%	1%	1%	1%	1%	1%	0
GDR	1%	1%	1%	1%	1%	1%	1%	0
GRR	1%	1%	1%	1%	1%	1%	1%	0
GW	1%	1%	1%	1%	1%	1%	1%	0

(AO No. 99-131, § 4, 10-26-99; AO No. 2002-109, § 1, 9-10-02; AO No. 2006-144, § 1, 10-31-06; AO No. 2009-48, § 5, 4-28-09)

**21.15.013 Administrative variance from occupancy limits for residential care facilities.**

A. *Intent.* The intent of this section is to provide a procedure to allow persons with disabilities and assisted living providers to request reasonable accommodation from the planning department when access to decent safe, accessible and affordable housing with assisted living would not be available absent a reasonable accommodation. This administrative variance procedure is available to address application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and to address application for variance in occupancy limits of no more than three persons.

B. *Application.* Application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and application for variance in occupancy limits of no more than three persons shall be made to the director of the planning department on a form provided by the municipality, shall be executed by or on behalf of the person with disabilities seeking the reasonable accommodation, or the owner of the real property, or the lessee with proof of the owner's consent, and shall be complete in all respects prior to review under this section.

C. *Notice of application for variance in occupancy limits.* On an application for variance in occupancy limits, the planning department shall provide public notice and a period for written comment of no less than 21 days, as described in this subsection. The public notice shall include a description of the application, a legal description of the land, and if available, a street address for the property subject to the application, with a

map of the vicinity. Notice, specifying written comment appropriate to the application for reasonable accommodation in occupancy limits may be submitted, shall be posted electronically on the planning department's municipal website, and mailed in hard copy to the following:

1. Any officially recognized community council whose boundaries contain land described in subsection C.2. below;
2. All persons listed on the records of the municipal assessor as owners of land subject to the application or as owners of (a) the parcels within 500 feet of the outer boundary of the land subject to the application or (b) the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor;
3. Such additional persons or geographic areas as the planning department may designate.

D. *Time for approval.* The planning department shall make a determination on an application within 60 days of submittal. Notification of approval or denial shall be posted electronically on the planning department's municipal web site and furnished in writing to the applicant by mail or delivered by electronic means.

E. *Standards.* In deciding to approve or deny an application, the planning department shall review the application and written comments addressing factors relevant to the request for reasonable accommodation, including but not lim-

ited to, the extent to which the application demonstrates the following, as related to the particular request of the applicant:

1. For administrative variance applications to increase occupancy limits in R-1, R-1A, R-2A and R-2D districts, the extent to which the accommodation and the assisted living provider seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the assisted living provider to mitigate environmental disturbance associated with ingress and egress of facility staff workers at shift change, and any other measures taken by the assisted living provider to ensure the commercial aspects of the facility do not detract from its residential purpose and the primarily residential character of the district. An example of a commercial aspect is if residential trash containers were standard in the neighborhood and the assisted living provider used one or more dumpsters due to volume. An example of a mitigation measure for this aspect the assisted living provider might take is to screen the dumpster.
2. For administrative variance applications to increase occupancy limits, economic hardship on the intended occupants if the variance is denied. Cost and availability of other housing alternatives may be addressed in preparation and review of the application.
3. Whether the requested accommodation and the assisted living provider are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.
4. Whether the accommodation requested is advancing housing opportunities for disabled individuals in a residential commu-

nity without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

5. For administrative variance applications to increase occupancy limits, whether the proposed size of the facility is necessary for the facility's financial viability.
6. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting and sidewalks.
7. Quantifiable risks to the health, safety, and quality of life of area residents and users.
8. Administrative and economic burden on the municipality, in either approval or denial of the variance.
9. Other factors deemed relevant to the applicant or the planning department in review of the application.

F. *Conditions.* In approving a variance, the planning department may impose reasonable conditions designed to address the standards in subsection E. or mitigate impacts created by the variance.

G. *Appeal.* All decisions of the planning department under this section shall be final unless an appeal is filed timely. Appeals of the decision to approve or deny a variance under this section shall be to the zoning board of examiners and appeals, pursuant to the provisions of sections 21.30.110 through 21.30.170, except an appeal may be brought by any person with standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f). (AO No. 2005-124(S-1A), § 2, 4-18-06)



**21.15.015 Public facility site review.**

A. *Authority of planning and zoning commission.* The planning and zoning commission shall review and make recommendations regarding the following under this section:

1. The selection of a site for a public facility, including a site for a school facility, except where the location of the site is:
  - a. Designated on a municipal plan adopted by the assembly;
  - b. Determined by a dedication to the municipality on a final plat approved and recorded in accordance with this title; or
  - c. Subject to approval of a conditional use under this title.
2. A recommendation of a site for a school facility shall be forwarded to the Anchorage school board for its review and recommendation.
  - a. The school board and the planning and zoning commission may meet in joint public hearing; however, the school board and the planning commission shall separately consider and make recommendations to the assembly.
  - b. Both recommendations shall then be forwarded as a package to the assembly for approval.
3. Action by the assembly. Upon receipt of recommendations from the planning and zoning commission and the Anchorage school board, the assembly shall hold a public hearing and take one of the following actions:
  - a. Approve a specific recommended site;
  - b. Reject some or all recommended sites; or
  - c. Remand the evaluated and recommended sites to planning and zoning commission and the school board for further investigation, review and evaluation.
4. The design study report for road projects.

B. *Authority of urban design commission.* The urban design commission shall review and approve site plans for public facilities, including site plans for school facilities, but not site plans subject to approval by conditional use under this title, or the design study report for road projects.

C. *Required information.* The agency proposing a site selection or site plan shall submit to the applicable commission all information necessary to its review under this section. For a site selection, this information shall include, but need not be limited to, an evaluation of alternative sites, or an explanation why no alternative sites were considered.

D. *Review of park projects.* Prior to the urban design commission action on any public facility site plan review which includes municipal parks and recreation facilities and/or parkland, the parks and recreation commission (for projects in the Anchorage Bowl) or the Chugiak-Eagle River parks and recreation board of supervisors (for projects in Chugiak-Eagle River), shall review the site plan and make a recommendation to the urban design commission.

E. *Public hearing.*

1. The planning and zoning commission shall hold a public hearing on any site selection that is subject to review under this section.
2. The urban design commission may in its discretion, hold a public hearing on any site plan subject to review under this section.

Notice of the public hearing shall be given in the manner prescribed for a public hearing on a conditional use application.

F. *Review required.* The applicable commission shall review and:

1. Make recommendations under subsection A of this section before the acquisition of a site for the public facility may be authorized or before publicly owned land is designated as the site for the public facility.
2. Decide on the site plan under subsection B of this section before the final commit-

ment to the design of a public facility may be made, and before any contract to construct or acquire the public facility's improvements may be awarded.

G. *Standards.* The applicable commission shall review a proposed site selection or site plan for consistency with the goals, policies and land use designations of the comprehensive plan and other municipal plans adopted by the assembly, conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site.

H. *Conformance with recommendations of applicable commission.* No agency may proceed with a site selection or site plan that does not conform to the applicable commission's recommendations under this section, unless the agency furnishes the commission a written statement of the reasons for its decision to proceed at least 30 days before implementing that decision.

I. *Delegation of authority.* The planning and zoning commission or the urban design commission may promulgate regulations under Chapter 3.40 that delegate all or part of its authority under this section to the director of the department of community planning and development or to other municipal boards and commissions.

J. *Definitions.* As used in this section, the term "public facility" means any of the following owned, or leased for no less than ten years, by a government agency not exempt by law from municipal land use regulation: any building in which government operations or activities occupy more than 4,000 square feet, any street of collector or greater capacity, and any snow disposal site. "Public facility" shall also include any dedicated park exceeding 1½ acres in area, except as limited below:

1. In the Anchorage Bowl, this definition shall only include Community Use Areas and Special Use areas, and Natural Resource Use Areas exceeding 50 acres in area, as defined in the Anchorage Bowl Park, Natural Resource, and Recreational Facility Plan, dated April 2006.
2. In Chugiak-Eagle River, this definition shall only include Community, Large Urban, and Regional Parks, as defined in the

Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak Eklutna", dated December 1985.

K. *This section shall not apply to any facility site selection or site plan:*

1. Reviewed by the commission or approved by the assembly before January 31, 1984;
2. Under which there have been substantial expenditures for design or construction before January 31, 1984.

(AO No. 84-20; AO No. 85-160, 1-8-86; AO No. 2007-124(S), § 2, 9-25-07; AO No. 2008-15(S-2), § 2, 8-19-08)

#### **21.15.020 Procedure for obtaining special flood hazard permit.**

A. *Generally.* 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. *Application.* Any application for a special flood hazard permit must contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
2. The 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. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. *Evaluation; additional information.* 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 side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
2. Specification of proposed construction and materials, floodproofing, 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.* 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 floodproofing will be provided.

E. *Time for acting on application.* The official shall act on an application in the manner described in this section 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 on subdivision plats.* Where any portion of a subdivision is situated within a flood hazard district, a note shall be placed on the plat which reads as follows: "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 section 21.60.020. All construction activities and any land use within the flood hazard district shall conform to the requirements of chapter 21.60."

G. *Appeals.* An appeal from a decision of an administrative official regarding a flood hazard permit shall be brought in accordance with sections 21.30.110 through 21.30.160. (GAAB Ord. No. 75-111; AO No. 79-169)

#### **21.15.025 Public facility project landscaping review.**

A. *Authority of urban design commission.* The urban design commission shall review and make recommendations regarding public facility project landscaping under this section. No building permit or land use permit shall be issued for a public facility project until the commission has made its review and recommendations under this section.

B. *Required information.* The agency proposing a public facility project shall submit to the commission all information necessary to its review under this section.

C. *Public hearing.* The commission may, in its discretion, hold a public hearing on any public facility project landscaping reviewed under this section.

D. *Standards.* The commission shall consider the following criteria in reviewing public facility project landscaping under this section:

1. Cost.

2. Feasibility.
3. Planning and design criteria, including:
  - a. The external impacts generated by the public facility project on adjacent areas. The landscape elements of the public facility project should complement, maintain or improve the landscape quality of adjacent neighborhoods and areas.
  - b. The degree to which the landscape elements contribute to on-site use of the public facility project. The landscape elements of the public facility project should enhance safe, efficient and comfortable public use.
  - c. The visual attractiveness of the landscaping and its enhancement of the architecture of the public facility project, including the integration of internal and exterior architectural themes.

E. *Definitions.* As used in this section, the following terms shall have the meaning given in this subsection:

1. *Landscaping* means trees, shrubs, ground cover and related improvements intended to enhance public activity spaces, both within and outside a public facility project.
2. *Public facility* means buildings and structures, including streets and highways subject to chapter 24.15, owned or occupied by a government agency not exempt by law from municipal land use regulation.
3. *Public facility project* means the construction or significant alteration of a public facility, other than by a private developer under chapter 21.85.
4. *Significant alteration* means an alteration costing more than \$500,000.00 or 20 percent of the value of the public facility, whichever is less.

This section shall not apply to any public facility project for which a building permit or land use permit has been issued before the effective date of the ordinance codified in this section.

(AO No. 82-167; AO No. 84-20; AO No. 85-160, 1-8-86)

### 21.15.030 Approval of site plans and conditional uses.

A. *Scope.* The following applications are subject to the procedures described in this section:

1. Site plan approval, except for public facility site plan approval, which is described in section 21.15.015; and
2. Conditional use approval.

#### B. *Pre-application conference.*

1. Before submitting an application under this section, the applicant shall meet with the staff of the department of community planning and development to review the applicant's proposal. The director may waive the pre-application conference for applications:
  - a. For site plan approval that do not require a public hearing;
  - b. For approval of a conditional use other than a planned unit development; or
  - c. Where the director determines that a pre-application conference would not materially aid the expeditious processing of the application.
2. At the pre-application conference the staff shall:
  - a. Review the applicant's proposal;
  - b. Inform the applicant regarding the standards under this title that will govern the application;
  - c. Advise the applicant regarding the conformity of the proposal to the standards under this title that will govern the application.

C. *Application.* With its application the applicant shall submit the following:

1. Written documents as follows:
  - a. The legal description of the property that is the subject of the application;
  - b. A statement of the planning objectives and design considerations that determined the configuration of the applicant's proposal;

- c. A statement, for each phase of the proposal, of the projected dates for commencing construction and completing each major phase of construction;
  - d. A description of the traffic and pedestrian circulation system proposed for the property that is the subject of the application;
  - e. A description of the existing vegetation and soils on the property that is the subject of the application, the present use and zoning of that property, and the present use and zoning of property within 500 feet of that property; and
  - f. For an application for site plan approval under a zoning map amendment with special limitations, the case number for the zoning map amendment.
2. The following maps, drawn on a stable base reproducible mylar, at the scale specified in the following table:

<i>Area Subject to Application</i>	<i>Scale</i>
Less than 8 acres	1" = 20'
8 to 20 acres	1" = 50'
Greater than 20 acres	1" = 100'

- a. A site conditions map, showing:
  - (1) Topography, with contour lines at intervals of ten feet or less if the property that is the subject of the application has an area less than 40 acres.
  - (2) The vicinity of the property that is the subject of the application, showing that property in relation to the surrounding neighborhood and major streets and utilities.
  - (3) Site drainage within and adjacent to the property that is subject to the application, including the specific location of all water features such as lakes, ponds, bogs, swamps, springs,

intermittent (seasonal) or continuous streams, and drainage courses, and the location of floodplain and wetland areas as defined in chapter 21.60 and section 1.05.115, respectively.

- (4) Existing vegetation, including the location of stands of trees and shrubs, and ground cover, and a description thereof.
- (5) Surficial geology and soils.
- (6) The location and type of existing land uses and structures, including buildings (stating building height and ground floor dimensions), utilities, excavations, bridges, culverts and wells.
- (7) Access to and within the site, including roads, peripheral roads, trails and sidewalks.
- (8) The location and widths of dedicated rights-of-way, patent reserves, and road easements and reservations, including section line easements within and adjacent to the site.
- (9) The location and nature of areas susceptible to landslide, mud and earth flow and other forms of mass wasting, solifluction or other soil and subsoil mechanics affecting development; avalanche chutes and outfall chutes; high-velocity winds; and seismic zones of intensity 5 to 25 in the Anchorage Coastal Atlas.

b. A site plan, showing:

- (1) Vehicular circulation system, including peripheral and interior roads, and major access points.
- (2) Parking areas, loading areas and storage areas, including snow storage and service areas.
- (3) The pedestrian circulation system, showing sidewalks, trails

and paths, and their relation to adjacent pedestrian circulation facilities.

- (4) Open space and other common facilities.
  - (5) Landscaping, including a tree and shrub list, and buffering.
  - (6) General location and use of structures. Residential site plans shall also indicate the number of dwelling units by structure, the number of dwelling units per gross and net acre, and the total number of dwelling units.
3. Where the property that is the subject of the application contains wetlands designated "B" in the wetlands management plan, the applicant shall submit the following:
    - 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. Vegetative 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.
  4. For a site plan review limited by this title or by the reviewing authority to specified site elements, the director of the department of community planning and development may waive the submission requirements of this subsection that are not pertinent to the site elements subject to review.
  5. For a conditional use involving a skywalk, the requirements of subsections C.2 and F.2 of this section shall not apply. The requirements of section 21.50.260 shall

apply. Each property owner providing direct physical access to a skywalk must participate as an applicant for the conditional use permit.

D. *Post-application conference.* Within 30 days after an application has been submitted, the department of community planning and development shall schedule a post-application conference with the applicant. At the post-application conference the staff shall inform the applicant whether the application is acceptable, and of any changes necessary to make the application acceptable. The director of the department of community planning and development or the applicant may waive the post-application conference for applications:

1. For site plan approval other than for a cluster housing development.
2. For approval of a conditional use other than a planned unit development.

E. *Concept approval of conditional use.*

1. An applicant may apply for concept approval of a conditional use before applying for final approval. Concept approval establishes that the proposed use is appropriate under the general standards for conditional uses set out in section 21.50.020. Concept approval does not approve a precise design, site plan or intensity or use, and does not permit any structure, or any use of land or a structure.
2. For concept approval, the applicant shall submit the documents required under subsection C of this section. If the authority hearing the conditional use application finds that the size or location of the proposed use may cause the use to have a substantial effect on the surrounding neighborhood or the environment, the authority may require the applicant to submit analyses prepared by qualified experts concerning any or all aspects of that effect.
3. After holding a public hearing on the application, the authority hearing the application may grant concept approval of the conditional use only if it finds that the

proposed use conforms to the general standards for conditional uses set out in section 21.50.020.

4. Unless the authority granting concept approval specifies otherwise, concept approval expires after 18 months if an application for final approval of the same conditional use has not been submitted.

F. *Final approval.*

1. *Generally.* Site plans and conditional uses are subject to final approval under this subsection.
2. *Required information.* For final approval, the applicant shall submit the documents required under subsection C of this section, and:
  - a. A planting plan including the following elements:
    - (1) Location and type of existing vegetation to be preserved;
    - (2) Ground cover, including lawn information (number of square feet, seed mix, and pounds per square foot), and ground cover information (number of square feet and plants per unit area); and
    - (3) Trees and shrubs, including name, location, size, condition and planting details.
  - b. A preliminary grading and drainage plan including the following elements:
    - (1) Existing and proposed contours;
    - (2) Proposed underground and surface drainage systems and drainage outfalls, with spot elevations along drainage flow lines and inlet or invert elevations on outfalls; and
    - (3) Soil erosion and sediment control measures for construction and final phases of development.
  - c. The authority hearing a conditional use application may require the ap-

plicant to submit analyses of the impact of the use in accordance with subsection E.2 of this section.

- d. Any other submissions required under chapter 21.50.
3. *Public hearing; decision.*
  - a. After holding a public hearing on an application for final approval of a conditional use, the authority hearing the application may grant final approval if it finds that the conditional use conforms to the general standards for conditional uses in section 21.50.020, and any specific standards for the use in this title or in regulations promulgated under this title. Unless the authority granting final approval specifies otherwise, final approval shall automatically expire within 18 months from the date it is granted if the conditional use has not been activated, unless a time extension has been sought and granted prior to the stated expiration date.
  - b. Final approval of a site plan does not require a public hearing unless otherwise specified by ordinance or this code. The authority hearing an application for site plan approval may grant final approval of the site plan if it finds that the site plan conforms to submittal requirements of this section and the applicable standards in Chapter 21.50.
4. The authority hearing an application for final approval may impose conditions upon the final approval that it finds necessary to:
  - a. Conform the conditional use or site plan to the standards for its approval.
  - b. Enforce development in accordance with the final approval, including but not limited to requiring:
    - (1) The recording of easements or covenants, conditions and restrictions.

- (2) The posting of a performance guarantee for the provision of public and private improvements as provided in section 21.87.030.

5. All landscaping shall be maintained by the property owner or his designee.

G. *Modification of final approval.*

1. The authority that approved a conditional use or site plan may, upon application by the petitioner, modify the conditional use or site plan:
  - a. When changed conditions cause the conditional use or site plan no longer to conform to the standards for its approval.
  - b. To implement a different development or operational plan conforming to the standards for its approval.
2. Upon the filing of an application for a modification of a conditional use and after a review of the application to determine that it is complete and meets the requirements of this title, the department staff shall place the requested modification on the consent agenda of either the planning and zoning commission or the assembly, as the case may be, for approval, denial, further inquiry, public hearing and, thereafter, action by the respective body.
  - a. The planning and zoning commission or the Assembly, upon an express finding that the proposed modifications will have a significant effect on the surrounding neighborhood or on owners or occupiers of adjacent property that is the subject of the modification application, may determine that a public hearing is necessary. In such event the hearing shall be scheduled as soon as practicable after the matter first comes before the body for conclusion.
3. The modification application shall be considered as an application for

final approval under subsection F of this section and therefore subject to the provisions of that section;

H. *Appeals.*

1. Except as provided in subsection 2 of this subsection, an appeal from a decision regarding an application for conditional use or site plan approval under this section shall be brought in accordance with sections 21.30.010 through 21.30.100.
2. Any person adversely affected by a decision of the director or his designee on an application for final approval of a site plan may appeal to the planning and zoning commission within 15 days of the decision. The appeal shall be scheduled before the commission within 45 days. The commission shall exercise its independent judgment in deciding an appeal under this subsection.

I. *Platting for site plans and conditional uses.*

1. If development under a final approval under this section will create a subdivision or requires the vacation of a dedicated public area, the final approval is not effective until a final plat for the subdivision or vacation is approved and recorded in accordance with this chapter. A preliminary plat required under this subsection is subject to approval as required by this title.
2. Unless the authority granting final approval directs in the final approval that it shall act as the platting authority, the platting board is the platting authority for site plans under this subsection.
3. The platting authority under this subsection may require that any street right-of-way, walkway, utility easement or other public area designated under the final approval be dedicated to the public.

J. *Abandonment of conditional use.*

1. Except for conditional use permits granted by the assembly under section 21.50.160,



pertaining to uses involving the sale of alcoholic beverages, an otherwise lawful conditional use permit shall expire if:

- a. For any reason the conditional use is abandoned in its entirety for a period of one year or longer; or
  - b. The property owner notifies the planning and zoning commission of the abandonment of the conditional use permit. A conditional use shall not be abandoned under this subsection if the result of the abandonment is the creation of a nonconforming land use.
2. A conditional use granted by the assembly under section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, shall expire:
- a. 120 days after the transfer of the license to sell alcoholic beverages from the premises has been approved by the alcoholic beverage control board, unless there is an application filed with the alcoholic beverage control board prior to the expiration of the 120-day period.
  - b. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly when the conditional use was granted under section 21.50.160, pertaining to uses involving the sale of alcoholic beverages, the conditional use shall expire unless the licensee applies for and received assembly approval for a modification of the existing conditional use to reflect the change.
  - c. For purposes of subsection b. above, "substantially different" means any material change in the operation of the business which could result in significant impact on the use and enjoyment of adjacent properties by property owners or occupants. A material change includes, without limitation, an increase in the late-night or early morning hours of operation;

a change involving the type of entertainment presented which results in an increase in noise level at the property line; and increase in the parking requirements; a change from a business which meets the requirements of the State of Alaska, Alcoholic Beverage Control Board statutes and regulations for a restaurant designation permit to a business which would not meet such requirements.

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 78-231; AO No. 79-34; AO No. 79-214; AO No. 82-22(S); AO No. 82-49; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-155; AO No. 87-121, 11-27-87; AO No. 88-5(S); AO No. 94-62, § 1, 4-12-94; AO No. 95-129, § 5, 3-12-96; AO No. 2004-6, § 1, 10-1-03; AO No. 2004-108(S), § 1, 10-26-04; AO No. 2005-19, § 1, 3-1-05; AO No. 2006-90(S), § 1, 6-20-06; AO No. 2008-15(S-2), § 3, 8-19-08)

**21.15.040 Procedure for obtaining sign permit.**

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

**21.15.050 Land use permit.**

*A. Permit required for certain activities.* In the area of the municipality that is not subject to the Uniform Building Code under section 23.05.030, no person may:

- 1. Construct a building whose floor area is 100 square feet or greater;
- 2. Excavate more than 300 cubic feet on any lot or tract;
- 3. Fill or grade more than 900 cubic feet on any lot or tract; or
- 4. Change the principal use of a building;

without obtaining a land use permit therefor in accordance with this section. The issuance of a land use permit may also be subject to the improvement requirements in section 21.15.150.

B. *Application.* An application for a land use permit shall be submitted to the administrative official. The application shall include:

1. The written application form provided by the administrative official, which shall include:
  - a. The legal description and dimensions of the property;
  - b. The zoning of the property;
  - c. The name and address of the owner of the property; and
  - d. A description of the use or structure that is the subject of the application.
2. The following information, and any additional information which the administrative official shall require as applicable to determine whether the permit should be issued:
  - a. A lot survey certified by a professional land surveyor registered in the state, showing:
    - (1) Lot dimensions.
    - (2) Dimensions of proposed and existing structures, including projections.
    - (3) The names and widths of the rights-of-way adjacent to the property.
    - (4) Site drainage, including creeks, major drainages and other water bodies on or adjacent to the property.
    - (5) Easements.
    - (6) Parking areas.
    - (7) Building corner and lot corner elevations.
    - (8) Scale and north arrow.
  - b. Building floor plan, elevation and cross section drawings, drawn to scale and sufficiently detailed to show whether the building conforms to this title.
  - c. A copy of the on-site septic system permit for the property, where such a permit is required by law.

C. *Standards for issuance.* The administrative official shall grant the permit if he finds that the structure, or use of land or a structure, that is the subject of the application conforms to this title, the regulations promulgated under this title, and the terms and conditions of the other entitlements issued under this title that apply to the use or structure.

D. *Posting.* Every land use permit shall be posted in a conspicuous place on the property for which it was issued, in the form of an 8½- by 11-inch poster card issued by the administrative official.

E. *Transfer; expiration; revocation.* A land use permit may not be assigned or transferred. A land use permit expires 180 days after its issuance if the permitted use or construction has not commenced on the site before that time. The administrative official may revoke a land use permit if no substantial progress toward completion occurs in any one-year period after construction begins. (GAAB 21.05.080; AO No. 81-97; AO No. 85-23; AO No. 2003-68, § 4, 9-30-03)

#### **21.15.055 Annual administrative permit.**

A. It shall be a violation of law for any person to engage in a land use for which an administrative permit is required by this title without first obtaining such a permit.

B. A permit issued pursuant to this section shall be valid between January 1 or the date of issuance and December 31 of the year in which it is issued. An application for renewal of a permit shall be submitted in the same manner as the original application and no later than December 1 immediately preceding the expiration date of that permit.

C. The administrative official may promulgate regulations to implement this section, as provided in chapter 3.40.

D. An application for a bed and breakfast or for a roominghouse shall not be complete unless it is accompanied by proof of a current business license, health inspection for 25 occupants or more, a health authority approval certificate (for

on-site systems only), and a site plan and building floor plans meeting the requirements of section 21.15.030.

(AO No. 88-171(S-1), 12-31-88)

**21.15.060 Land use permit—Application. (Repealed)**

(AO No. 85-23)

**21.15.065 Administrative permit.**

(AO No. 99-62, § 1, 5-11-99)

**Editor's note**—Section 1 of AO 99-62 duplicated the text of subsections 21.15.055 A. and C. and therefore is not shown.

**21.15.070 Mobile home park—Annual permit required. (Repealed)**

(GAAB 21.20.040, 21.20.050; CAC 6.60.020; AO No. 87-154(S))

**21.15.080 Mobile home park—Permit application. (Repealed)**

(GAAB 21.20.050, 21.20.060; CAC 6.60.020; AO No. 87-154(S); AO No. 93-186(S), § 1, 2-22-94)

**21.15.090 Mobile home park permit—Continuation of prior law. (Repealed)**

(GAAB 21.20.010; CAC 6.60.010; AO No. 87-154(S))

**21.15.100 Approval of subdivision plats—Review required; public hearing; pre-application.**

A. *Review required.* 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.* The platting authority shall hold a public hearing on the application before action on an application:

1. To vacate a dedicated public area under subsection 21.15.130C.2.;
2. To approve a preliminary plat, except an application under section 21.15.125;
3. To approve a final plat that differs from the preliminary plat;

4. To modify or delete a condition of plat approval;
5. To grant an exemption under section 21.75.020; and
6. For a variance from the provisions of chapter 21.80 or 21.85.

C. *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.* The purposes of the pre-application are as follows:
  - 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 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. *Review 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 that 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 ensure approval of the preliminary plat by the platting authority.

(GAAB 21.10.030.A; AO No. 78-187; AO No. 84-32; AO No. 85-21; AO No. 2002-95, § 1, 7-16-02; AO No. 2003-131, § 1, 10-7-03)

**21.15.110 Approval of subdivision plats—  
Submission of preliminary plat.**

A. Unless waived by the platting authority, a 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 and

development 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 shall be submitted on forms provided by the department of community planning and development.
2. The application fee shall be submitted.
3. The subdivider shall submit 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. The name of the proposed subdivision.
  - d. The existing zoning classification of the plat and adjacent properties.
  - e. The names and addresses of the subdivider and the surveyor preparing the plat.
  - f. A 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, and at intervals of five feet outside floodplain areas if the slope is less than ten percent, and intervals of ten feet if the slope is greater than ten percent; pro-

vided, 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 standards and regulations.

- (4) The general location of streams, lakes, swamps and drainage courses, including the location of floodplain areas as defined in section 21.75.035.B. 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, which 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 a description thereof.
  - (9) The location and nature of areas within any area zoned R-10 (residential alpine/slope) susceptible to landslide, mud and earth flow, talus development, soil creep, solifluction or rock glaciation, avalanche chutes or run-outs, wind blasts and high-velocity winds.
- h. Streets, street names, public and private rights-of-way and roadway widths and other right-of-way easements within the plat showing their 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 wetlands 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 the following:
    - a. A certificate to plat shall be submitted showing the legal and equitable owners, including mortgagees, contract purchasers and fee owners, of the land to be platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property.
    - b. The subdivision shall submit all plans, data, tests and engineering reports required by the department of health and human services 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. All tests required under this subsection must be conducted by an engineer using established engineering practices. In addition to submittal as part of the preliminary plat application, all test results must be submitted to the department of health and human services on a form provided by that department, and must bear the original seal and signature of the engineer who conducted the tests. If the subdivision is to be served by a community water system, the subdivision plans for the water system must include a permit to appropriate water from the state department of natural resources. In all cases where individual on-site wastewater disposal and water supplies are proposed, the subdivision plans for

wastewater disposal and treatment must contain, but need not be limited to, the following information:

- (1) Location of representative test sites for water sources within or adjoining the proposed subdivision.
- (2) Results of all chemical and bacteriological testing of water sources which are proposed to be used for drinking water.
- (3) Potential locations for any future community water or sewage systems.
- (4) The following information for lots that will be served by on-site wastewater disposal systems:
  - (i) Soil or percolation tests shall be conducted in accordance with standards set out in section 15.65.060.B for each of the proposed lots in areas most likely to be used for on-site wastewater disposal systems, and such additional soil and percolation tests as the department of health and human services may reasonably require to better assess the ability of the soils to accept wastewater. Test holes must be dug to a minimum depth of 14 feet unless groundwater or bedrock is encountered at a lesser depth. Perforated or slotted groundwater monitoring tubes must be installed in each soil or percolation test hole or pit before backfilling. Readings of depth to the groundwater table must be reported to the department of health and human services after a minimum of seven days. Additional monitoring may be required by the department. The water level in the monitoring tubes must be tested for responsiveness to sudden addition and removal of water.
  - (ii) When initial groundwater monitoring identifies depth to the groundwater table at 12 feet or less, the department may require long-term monitoring. Long-term monitoring must be conducted at least once a month for a minimum of 12 consecutive months.
  - (iii) Perforated or slotted monitor tubes with an adequate surrounding filter material to prevent plugging, and with adequate protection against inflow of surface water and fines, shall be used, to permit long-term observations. Monitor tubes shall not be removed upon completion of the subdivision, but shall be capped, and shall be left projecting three or more feet above the surface of the ground, or monumented with a wooden four-by-four post so projecting. If a home is built on the same lot and the tube or post would be visible from the home, the monitor tube may then be cut off no less than one inch above the ground. Monitor tubes shall be accurately depicted on the as-built plan for the wastewater system for that home. Appropriate officials of the department, on reasonable advance notice to the homeowner, if any, may open and inspect monitor tubes at any time.
- (5) The location of existing water sources, on-site wastewater disposal systems, public sewage 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 wastewater disposal systems on adja-

- cent lots and the area of influence of the wastewater disposal system including both initial and replacement subsurface disposal field sites.
- (7) A statement concerning responsibility for operation and maintenance of the water supply or sewage disposal facilities in the proposed subdivision.
- 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, groundwater and 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 or home association bylaws affecting the proposed subdivision shall be submitted.
- 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.
- f. If the subdivider seeks a waiver of a requirement to dedicate or improve a peripheral street, a map showing the relationship of the proposed subdivision to dedicated or developed streets within one mile of the boundaries of the proposed subdivision shall be submitted.
- g. If the proposed subdivision is in an area where sidewalks are required, a map showing all pedestrian trip generators and zoning district boundaries within one mile of the boundaries of the proposed subdivision, and the shortest routes from the pedestrian trip generators to the proposed subdivision, shall be submitted. Pedestrian trip generators include but are not limited to schools, child care facilities, retail stores, restaurants, bus stops, parks, greenbelts and churches.
- h. If the proposed subdivision will be served by a community water system, the department of health and human services may require the subdivider to provide the following as part of the preliminary plat application required by subsection B of this section:
- (1) Evidence that the aquifer for the community water system well will supply the volume and sustained flow rate necessary to serve the fully developed subdivision; and
  - (2) Interference test results on nearby public or private water wells to demonstrate that the withdrawal of water necessary to serve the fully developed subdivision will not adversely affect the productivity of the nearby wells.
- i. If a proposed subdivision is for an urban subdivision of two or more lots, for a suburban or rural subdivision of four or more lots, or for a subdivision in an area identified by the municipality as one with high groundwater levels or other known drainage problems, the developer shall submit four copies of a preliminary drainage analysis with the preliminary plat application. Standards for the drainage analysis are identified in the Public Works Design Criteria Manual, 1988. The intent of the analysis is to delineate the estimated on-site and off-site drainage



impacts, and to show that their mitigation has been adequately considered in the design of the subdivision.

5. The subdivider shall submit one 8½- by 11-inch copy, suitable for reproduction, of each of the following, with the land to be platted outlined:
  - a. A black-line aerial photograph of the land to be platted.
  - b. A black-line topographic representation of the land to be platted.
  - c. A black-line municipal housing stock map for the area including the land to be platted.
  - d. A black-line reproduction of the municipal zoning map including the land to be platted.
  - e. A black-line reproduction of the preliminary plat.
6. If the platting officer finds that the size or location of the proposed subdivision may cause the subdivision to have a substantial effect on the surrounding neighborhood or the environment, the platting officer may require the applicant to submit analyses prepared by qualified experts concerning any or all aspects of that effect. The analyses shall be submitted before the public hearing on the preliminary plat.

*C. Additional information for wetland areas.* For areas, if any, determined by the Corps of Engineers to require individual permitting within a subdivision proposed in a wetland designated "B" under the wetlands management plan, in addition to the items required by subsection B of this section, the following shall also be required whenever and to the extent that the municipality lacks data showing:

1. Representative soil borings in sufficient quantity 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 the 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 interested members of the public, provided such information is not confidential under the provisions of section 3.90.040.

*D. Analysis of effects on surrounding areas.* If the platting authority finds that the size or location of the proposed subdivision may cause the subdivision to have a substantial effect on the surrounding neighborhood or the environment, the platting authority may require the applicant to submit analyses prepared by qualified experts concerning any or all aspects of that effect. (GAAB 21.10.030.B; AO No. 78-50; AO No. 79-169; AO No. 81-97; AO No. 82-49; AO No. 82-33(S); AO No. 83-142; AO No. 84-31; AO No. 85-8; AO No. 85-24; AO No. 85-22; AO No. 86-21; AO No. 88-28; AO No. 95-129, § 6, 3-12-96)

#### **21.15.115 Approval of subdivision plats— Action on preliminary plat.**

*A. Review by platting officer.* 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 this chapter, the platting officer shall notify the subdivider and engineer by letter, stating the additional information required. If, after ten 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 this chapter. A preliminary plat disqualified by the platting officer shall be deemed to have been acted upon by the platting authority.

*B. Approval or disapproval by platting authority.* Subject to subsection C of this section, the platting authority shall take action on the preliminary plat within 90 days after the submission date, 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.

*C. Referral to other agency.* If the platting authority finds that:

1. It cannot determine whether a preliminary plat conforms to the standards in section

21.75.010.A because a specific controlling land use, public facility or other public policy issue has not been resolved; and

2. An official board, commission or legislative body of the municipality or another government has been identified as being responsible for resolving that issue;

upon an affirmative vote of six members, the platting authority may refer the issue to the responsible official, board, commission or legislative body and postpone action on the plat for a period not exceeding 90 days or to its next regular meeting after the responsible official, board, commission or legislative body responds to the referral, whichever occurs first.

*D. Approval period; time extensions.*

1. Notwithstanding any subsequent change in the subdivision regulations, zoning regulations and zoning districts, the approval of the preliminary plat, vacation or variance shall be effective:
  - a. For at least 18 months and up to 60 months from the date of approval when it pertains to a development of no less than ten acres and includes a phasing plan and based upon the platting authority's evaluation of the size, complexity and phasing elements of the development.
  - b. For 18 months from the date of approval when it pertains to a development of less than ten acres.
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 shall be granted only if the board finds that current conditions are substantially the same as those which existed when the preliminary plat was originally approved. The director of the depart-

ment of community planning and development shall conduct the reevaluation for every extension request which does not raise the total time of extension for a particular plat beyond 18 months and present his findings to the board. Every extension request which raises the total time of extension for a particular plat beyond 18 months shall be evaluated in the same manner as an original plat application, including payment of the applicable fee, as provided in sections 21.15.110 and 21.15.115.

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 procedures set out in this subsection.

*E. Appeals.* All decisions as to approval or disapproval of a preliminary plat by the platting authority shall be final unless appealed as provided by ordinance.

*F. Resubmittal following denial.* 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.

(GAAB 21.10.030.B; AO No. 80-188; AO No. 85-22; AO No. 88-13; AO No. 89-82)

**21.15.120 Approval of subdivision plats—  
Final plat.**

*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 in this subsection shall be followed for 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 and development 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 of this section 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 human services 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 human services 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 mortgagees, contract purchasers and fee owners, of the land to be platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property.
5. If the subdivision is to be served by a community water or sewer system, the department of health and human services may require the subdivider to provide the following before the platting authority finally approves the plat:
  - a. Any approvals or certificates required by the state departments of environmental conservation and natural resources.
  - b. An agreement under the standards and procedures set out in chapter 21.87 to

ensure that the system installed will be compatible with existing public water and sewer systems.

- c. Approval of the plans, specifications and installation and operating procedures for the system by the municipal water and wastewater utility pursuant to chapter 21.85 and regulations promulgated thereunder.
- d. After approval of the department of public works, and before submittal to the department of community planning and development, final plats affecting land neither supplied, nor under subdivision agreement to be supplied, both with public water and public sewer, shall be submitted to the department of health and human services for a determination that all lots and proposed water and wastewater facilities conform to chapter 15.65 at the time of determination.

*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 placed 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 of this section 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 for 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) 0.003-inch-thick matte both sides or a direct positive photographic reproducible polyester 0.003-inch-thick matte both sides. Diazo process reproducible on polyester film or cloth is not acceptable. All lines, letters, figures, certificates, acknowledgments and signatures shall be made in black waterproof, acetate ink of good quality (Pelikan T or equal), except that affidavits, certificates and acknowledgments 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 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 plat shall show 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. The plat shall show bearings and distances to the nearest established street lines, section lines or official monu-

ments 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, and 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 side lines of the lots which are cut by the easement 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. The plat shall show 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 plat shall show 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 plat shall show 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 plat shall show the names of all streets within and peripheral to the subdivision, as approved by the municipality.
4. The following statements or certificates shall be included:
    - a. 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 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 one 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.

- b. Where no dedication of land is proposed the statement set out in subsection a of this subsection 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 one foot vertical (1.5 to 1) of cut or 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 enforce-

able against present and successive owners of this subdivided property.

- c. The certificate required by subsection a or b of this subsection 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.

- d. 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 in subsection a or b of this subsection 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 surveyor, 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 if 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)          .

In cases where a waiver of field survey was granted, the plat to be filed shall contain a certificate of the land surveyor who prepared the plat containing language which follows:

I, \_\_\_\_\_, professional land surveyor, do hereby certify that this a true and correct representation of lands according to the record plat, filed           (date)           under Recorder's plat number \_\_\_\_\_.

No field survey was conducted for this plat.

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, signed by the director of the department of public works, or by a registered professional land surveyor acting on his behalf, shall be required. Such statement shall approve the survey data.
9. The plat shall include a statement, signed by the chairman of the platting authority, as described in subsection A of this section.
10. The plat to be filed shall contain a statement signed by the mayor and the municipal 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 No. 16-76; AO No. 78-50; AO No. 78-187; AO No. 82-49; AO No. 85-8; AO No. 86-21; AO No. 90-113)

#### **21.15.123 Approval of subdivision plats— Right-of-way acquisition plat.**

**A. Generally.** A plat for a subdivision created by a government agency's acquisition of a street, railroad or trail right-of-way is subject to approval under this section and is not subject to any other approval procedure for plats under this chapter.

**B. Submission requirements.** A right-of-way acquisition plat shall contain the following information:

1. The location and name of the acquisition project.
2. The approximate timetable for acquisition and construction.
3. The dimensions and area of the acquired parcel and the remainder parcel.
4. The names of the property owners identified by parcel.



C. *Applicability of requirements.* A right-of-way acquisition plat shall conform to the submission requirements of subsection B of this section and to the other provisions of this title, provided that:

1. A right-of-way acquisition plat is not subject to any of the other submission requirements for plats under this chapter.
2. A right-of-way acquisition plat is not subject to chapter 21.85.
3. Survey requirements for a right-of-way acquisition plat shall be established by agreement between the municipal surveyor and the government agency applying for plat approval, or, if there is no such agreement, by the provisions of this title.

D. *Action.*

1. *Review.* The platting officer and the appropriate government agencies shall review the right-of-way acquisition plat for completeness. If the proposed plat does not meet the requirements of this section, it shall be returned to the agency that submitted it with an explanation of its deficiencies.
2. *Platting authority.* The platting officer shall act as the platting authority unless the government agency applying for plat approval requests a public hearing before the platting board.
3. *Duration of approval.* The preliminary approval of the right-of-way acquisition plat shall be for a period of 18 months; provided, however, that the platting officer may grant an extension of time for filing the final plat upon a finding that it is in the public interest to do so.
4. *Appeals.* All decisions of the platting officer under this section shall be final unless appealed to the platting board within 15 days. An appeal under this subsection shall be treated as an original subdivision application.

E. *Requirements for final plat.* Requirements for final right-of-way acquisition plats shall be established by agreement between the director of

the department of community planning and development and the government agency applying for plat approval, or, if there is no such agreement, by the provisions of this title.

(AO No. 83-180; AO No. 95-86, § 1, 4-11-95; AO No. 2003-26, § 1, 2-25-03)

#### **21.15.125 Approval of subdivision plats— Abbreviated plat procedure.**

A. *Authorization.* The preliminary plats described in subsection B of this section are subject to approval under the procedure in this section instead of the procedure in section 21.15.115; provided that preliminary plats described in subsections B.1 and B.2 of this section are not subject to approval under this section where the applicant for preliminary plat approval is an agency of the municipal, state or federal governments.

B. *Eligible preliminary plats.* Eligible preliminary plats are as follows:

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 no more than three tracts or eight 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.

- c. Divide a tract, parcel or lot:
1. Created within the previous four years pursuant to the approval of a preliminary plat under this section; or
  2. Contiguous to or having an owner either in an individual capacity or as an owner of a corporation, partnership, or other legal entity of a preliminary plat approved within the previous 48 months; or
  3. Ten acres or more in the rural residential zoning districts as defined in 21.85.020 and that area of land governed by AO 84-21.
3. Vacations and relocations under section 21.15.130.
  4. Subdivision of a cemetery into burial plots.
  5. A plat required by section 21.15.030 for the final approval of a conditional use or site plan.
  6. A plat depicting the creation of two townhouse lots.

C. *Submission requirements.* All of the submission requirements of section 21.15.110 shall be required, except that the director of the department of community planning and development shall establish submission requirements by regulation under chapter 3.40 for plats depicting the vacation and any associated relocation of a public utility easement.

D. *Procedures.*

1. At least 21 days before acting on a preliminary plat application under this section, the platting officer shall publish notice of the application. The notice shall state the names of the applicants and the legal description of the land subject to the application, and shall include a map of the vicinity of that land.
2. The platting officer, together with the appropriate 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 plat procedures mentioned in this subsection, 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 on plat.*

1. *Platting authority.* Except as provided in section 21.15.030.I for conditional uses and site plans and subsection 21.15.130C, for vacation or relocation of certain dedicated public areas, the platting authority under this section is the platting officer. The platting officer may refer any application to the Platting Board which the officer deems may need further or more extensive analysis and public comment concerning access into adjacent property.
2. *Variations.* When acting as the platting authority under this section, the platting officer may not grant variations from the provisions of chapter 21.80 or 21.85. When acting as the platting authority under section 21.15.030.I, the authority hearing an application for conditional use or site plan approval may grant variations to the provisions of chapters 21.80 and 21.85 in accordance with section 21.15.010.
3. *Duration of preliminary approval.* Preliminary plat approval expires after 18 months; provided that the authority hearing an application for conditional use or site plan approval may extend the expiration of preliminary plat approval under section 21.15.030.I in conjunction with extending the time for implementing the conditional use or site plan.
4. *Appeals.* Decisions of the platting authority under this section are final unless appealed within 15 days:
  - a. To the authority hearing the application for conditional use or site plan

approval, where the platting officer is the platting authority under section 21.15.030.I.

- b. To the board of adjustment under sections 21.30.010 through 21.30.100, where the authority hearing an application for conditional use or site plan approval is the platting authority under section 21.15.030.I.
- c. To the platting board in all other cases.

An appeal under subsection b or c of this subsection shall be treated as an original application for preliminary plat approval under this section.

- 5. *Approval of final plat.* A final plat submitted pursuant to the approval of a preliminary plat under this section is subject to approval in accordance with section 21.15.120; provided that the municipal surveyor may waive a field survey for a final plat that merely eliminates interior lot lines.

(AO No. 16-76; AO No. 78-50; AO No. 79-25; AO No. 79-34; AO No. 81-209; AO No. 83-187(S); AO No. 84-32; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 86-155; AO No. 88-24; AO No. 89-108, 9-8-89; AO No. 94-63, § 1, 4-12-94; AO No. 96-124, § 1, 10-1-96; AO No. 2002-95, § 2, 7-16-02; AO No. 2003-131, § 1, 10-7-03; AO No. 2004-130, § 1, 10-12-04; AO No. 2009-134, § 1, 1-12-10)

**Editor's note**—AO 2002-95, § 5 provides: On or before August 15, 2003, the Administration shall report to the Assembly the experience with the effect of AO 2002-95's amendments and the public's reaction thereto. If the Assembly fails to reauthorize the amendments provided for in AO 2002-95 on or before January 15, 2004, then AO 2002-95 shall sunset and be automatically repealed without any action of the Assembly. It should also be noted that § 2 of AO No. 2003-131 provides, "The sunset provision set out in Section five (5) of AO 2002-95 (as amended) is deleted."

**21.15.127 Approval of record of survey maps.**

*A. Purpose and authorization.*

- 1. The purpose of this section is to provide for the approval of record of survey maps to be filed with the district recorder for the state.

- 2. Record of survey maps shall be reviewed and approved in accordance with this section.

*B. Use of record of survey maps.*

- 1. A record of survey map is a map depicting the exterior boundaries of a legally created lot, parcel or tract, and includes a correction to a record of survey map.
- 2. A record of survey map shall not be used to depict the boundaries of a lot, parcel or tract, which lot, parcel or tract was created or subdivided contrary to law. A record of survey map shall not subdivide property or recombine lots into acreage, and any record of survey map purporting to do so shall be null and void.

*C. Required submittals.* An applicant for approval of a record of survey map shall submit the following materials to the platting officer:

- 1. A written application on forms approved by the department of community planning and development.
- 2. The application fee.
- 3. An original mylar and ten copies of the record of survey map drawn to a 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 record of survey map shall include the following information:
  - a. Date, scale and north arrow.
  - b. The approximate acreage of the lot, tract or parcel.
  - c. The legal description of the lot, tract or parcel.
  - d. A location map of the lot, tract or parcel, giving the number of the section, township and range to which reference may be made.
  - e. The location of existing rights-of-way and structures.
  - f. A control diagram showing bearings and distances and tying the survey to a GLO or BLM monument. The

survey may be tied by state plan coordinates to the nearest existing control, subject to standards established by the director of public works.

- g. The location and types of all monuments, indicating monuments found and monuments set.
- h. The initial point of survey, and original or reestablished corners with a description of the corners.
- i. A legend showing the types of monuments and other items represented by symbols.
- j. The legal and physical access to the property.
- k. A certificate of land survey as follows:

I hereby certify that I am a registered professional land surveyor and that this survey map represents a survey made by me or under my direct supervision, that the monuments shown thereon actually exist as located and the error of closure for field traverses is not greater than one part in 10,000.

(SEAL)

\_\_\_\_\_  
Registered Land Surveyor

- l. A certificate of ownership as follows:  
I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, that we accept this survey to be true and correct, and that this survey does not depict a lot, parcel or tract created or subdivided contrary to law.

Date: \_\_\_\_\_

Owner(s): \_\_\_\_\_

- m. A certificate of approval as follows:  
I hereby certify that this record of survey map has been found

to comply with the boundary survey standards of the Municipality of Anchorage and that said map has been approved for filing in the Office of the District Recorder.

Date: \_\_\_\_\_

\_\_\_\_\_  
Municipal Surveyor  
Municipality of Anchorage

- n. All information required by 11 AAC 6.080 for a record of survey, that section being incorporated by reference as a part of this title.

D. *Monuments.* Monuments set for the survey shall conform to the standards of the public works department.

E. *Approval.* A record of survey map is subject to approval by the municipal surveyor, who shall approve a record of survey map if it conforms to this section.

F. *Appeals.* All decisions of the municipal surveyor under this section shall be final unless appealed to the platting board within 15 days. (AO No. 83-166; AO No. 88-25)

**21.15.130 Approval of 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. The presumption contained herein does not apply to vacations of private easements where the beneficiaries have provided written concurrence.

B. *Required submittals.* Submission requirements are as follows:

- 1. For an application to vacate a public utility or drainage easement:
  - a. A written application on forms provided by the planning department.
  - b. Three copies of the recorded document establishing the easement.

- c. Three 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.
  - d. A written statement approving the utility easement vacation from every public utility authorized to use the easement or a written statement approving the drainage easement vacation from the office of planning, development and public works.
2. For all other vacations subject to approval by the platting officer:
    - a. A written application on forms provided by the planning department.
    - b. Three copies of the recorded document establishing the easement.
    - c. Three 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. For an application to vacate a dedicated public area subject to approval by the platting board:
    - a. A written application on forms provided by the planning department.
    - b. Thirty 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.
    - c. A written statement containing the reasons in support of the vacation.
- C. Action by platting authority.*
1. The platting officer is the platting authority for applications to vacate the following platted interests:
    - a. Drainage easements granted under section 21.85.140.
    - b. Zero lot line maintenance easements.
    - c. Public utility easements.
    - d. Private easements, but only upon the written concurrence of the beneficiaries.
    - e. Relocation of any of the above-described interests.
  2. The platting board is the platting authority for all other applications to vacate a dedicated public area. The platting board 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 board.
  3. The planning department shall refer to the assembly the action of the platting authority on an application to vacate a public area, with an ordinance authorizing the conveyance of the area proposed to be vacated, when:
    - a. Within 15 days of the platting authority's action a government agency or a person aggrieved by the action files with the department of community planning and development a written request that the matter be forwarded to the assembly; or
    - b. The area proposed to be vacated is not a street right-of-way or an easement.

The action of the platting authority on an application to vacate a public area is final, unless referred to the assembly under this subsection.
  4. The approval of a vacation by the platting authority expires 18 months after the date of approval. A vacation is not effective unless, before its approval expires, a conveyance of the vacated interest is ap-

proved in accordance with law and a final plat depicting the vacation is approved and filed in accordance with this chapter. A street right-of-way or easement whose vacation is finally approved by the platting authority under subsection C.2 of this section is a right-of-way or easement without substantial value to the municipality and is conveyed upon the filing of a final plat depicting the vacation.

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 the 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 platted 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 subsection shall be warranted by the municipality in the same manner as it was received.
3. The provisions of subsection D.1 of this section notwithstanding, the platting authority may determine that all or a portion of the area vacated should 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 No. 16-76; AO No. 82-49; AO No. 83-142; AO No. 88-32; AO No. 2002-95, § 3, 7-16-02; AO No. 2003-131, § 1, 10-7-03)

**21.15.133 Approval of street name alterations.**

A. *Generally.* 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 public works. The department of public works shall reject any street name alteration that does not conform to the standards of section 21.80.260 and any regulations promulgated thereunder. The criteria established in AMC 3.97.025 for honorary renaming shall apply.

B. *Petition for alteration.*

1. A petition for street name alteration shall include:
  - a. The existing street name.
  - b. The proposed street name.
  - c. The signatures of 51 percent of the owners of 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 public works shall determine whether a petition conforms to subsection 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. *Notice to abutting property owners; action by mayor.* The department of public works shall mail to all owners of property fronting on a subject street notice of the proposed street name change not 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 director of public works or his designee. The director of public works or his designee 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 execu-

tive 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 municipal 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 municipal 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. *Protests.* Upon the timely filing of a petition signed by 33 percent of the owners of property fronting on the subject street, protesting the issuance of an executive order under subsection C of this section, the municipal clerk shall schedule a public hearing on the matter before the assembly. The question before the assembly shall be whether to ratify the executive order. The executive order shall become effective upon the passage of a resolution of ratification. If a resolution of ratification fails to pass, the executive order shall be void.

(AO No. 78-187; AO No. 82-49; AO No. 84-205; AO No. 85-21; AO No. 92-160; AO No. 2006-51(S), § 10, 6-20-06; AO No. 2007-129, § 3, 10-9-07)

#### **21.15.134 Approval of plans for commercial tracts.**

A. Authorization, permitted districts; platting authority. 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 PC, R-O, B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, MC, I, M1, GRST-1, or GRST-2 zoning districts. The planning and zoning commission shall be the platting authority for a commercial tract whose site plan includes a large retail or mixed use establishment. The platting board shall be the platting authority for all other commercial tracts.

#### **B. Procedure; changes to boundaries or site plan.**

1. *Filing of application.* An application for approval of a commercial tract shall be made to the platting board and shall be signed by the owners of the property involved.
2. *Contents of application.* The application shall contain the following:
  - a. The name of the property owner.
  - b. The address of the property owner.
  - 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. *Action by platting authority.*
  - a. The platting authority shall act upon the application for approval of a commercial tract whose site plan includes a large retail establishment as part of the public hearing site plan review for the large retail establishment under section 21.50.320.
  - b. Except as provided in B.3.a of this section, the platting authority shall act upon the application for commercial tract approval within 30 days following receipt of that application. If the platting authority does not reject the commercial tract application within the 30-day period, the consent of the platting authority 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 authority from approving with or

without modification an application for commercial tract approval before expiration of the 30-day time period.

4. *Recording of site plan.* Upon approval of a commercial tract under subsection B.3 of this section, the platting officer shall, after notice to the petitioner, record the commercial tract site plan as approved, together with any declarations, covenants and restrictions, with the district recorder.
5. *Conformance with site plan.* 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. *Alteration of boundaries.* The boundaries of an approved commercial tract whose site plan includes a large commercial establishment may be amended or altered only upon application to and prior approval by the platting authority in accordance with section 21.50.320. The boundaries of any other approved commercial tract may be amended or altered only upon application to and prior approval by the platting authority in accordance with sections 21.15.100 through 21.15.125.
7. *Amendment of site plan.* Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the platting authority as provided in this section.

*C. Division of 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 site 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, 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 No. 82-16; AO No. 91-34; AO No. 91-90(S); AO No. 2002-60, §§ 1—5, 7-16-02; AO No. 2006-36, § 1, 3-14-06; AO No. 2008-6, § 3, 1-22-08)

#### **21.15.135 Fees. (Repealed)**

(AO No. 16-76; AO No. 77-407; AO No. 77-355; AO No. 82-49; AO No. 84-247; AO No. 85-58; AO No. 91-40)

#### **21.15.150 Improvements associated with building or land use permits.**

*A. Improvements required.* The issuance of a building permit under Title 23 or a land use permit under Title 21 for the construction of a commercial or industrial structure on a lot, or for a residential structure on a lot, shall be subject to the permit applicant providing the public use easements and improvements required for a subdivision in the same improvement area under chapters 21.80 and 21.85. In applying the provisions of chapters 21.80 and 21.85 under this section, the term "lot" shall be substituted for the term "subdivision," the term "permit applicant" shall be substituted for the term "subdivider," and the term "municipal engineer" shall be substituted for the term "platting authority."

*B. Exceptions.* The requirements in subsection A of this section shall not apply to a building permit or land use permit to the extent that:

1. All construction associated with a single dwelling unit located on a single lot, tract, or parcel, regardless of zoning district; or
2. The traffic engineer determines that a street dedications or improvement are not required for traffic circulation; or
3. Dedications, public use easements, or improvements already have been provided to the applicable standard in chapters 21.80 or 21.85; or
4. The dedications, public use easement, or improvements will be provided under a subdivision agreement that has been entered in to under chapter 21.87, or under an established assessment district; or



5. The municipality has already appropriated funds to construct an improvement; or
6. The permit is for repairs, maintenance, emergencies, electrical, mechanical, or plumbing.

C. *Standards for requiring public use easements and improvements.* Where chapters 21.80 or 21.85 grant discretion to determine whether a public use easement or improvement will be required, or to determine the design standards for a dedication or improvement, the municipal engineer shall determine the requirement or standard that applies to a building permit or land use permit under this section by applying the following standards:

1. The public use easement or improvement shall be reasonably related to the anticipated impacts on public facilities and adjacent areas that will result from the use and occupancy of the structure that is the subject of the building or land use permit. Any required public use easement area shall not be used for the purpose of density calculation of lot coverage per the applicable zoning district. The municipal engineer may require the permit applicant to provide information or analyses to determine impacts as set out in the Anchorage 2020 Plan's policies for transportation, transportation design and maintenance, and water resources on public facilities and adjacent areas, including without limitation the following:
  - a. A traffic impact analysis, or similar information. The traffic engineer may require a traffic impact analysis if the same would be required for approval of a subdivision, conditional use or site plan for similar development under this title.
  - b. A drainage study, or similar information. A drainage study may be required if the same would be required for approval of a subdivision, conditional use or site plan for similar development under this title.
2. The estimated cost of constructing the improvement shall be reasonable when compared to the estimated cost of the proposed development under the building or land use permit. The determination of reasonableness shall be based on cost estimates for the improvement and the proposed development that the permit applicant or applicant's agent submits under penalty of perjury. If the municipal engineer determines that the estimated cost to the applicant to complete all the improvements required by this section is unreasonable in relation to the estimated cost of the proposed development, the municipal engineer may reduce or eliminate required improvements as necessary to make the relationship between such costs reasonable.
3. The municipal engineer shall consider the potential development of all adjacent parcels, lots or tracts under common ownership, in addition to the lot, parcel or tract that is the subject of the permit application, and the impacts associated therewith, in applying the standards in this subsection.
4. The municipal engineer may approve adjustments to the improvement requirements under this section to the extent
  - c. An estimate of the financial costs of impacts on public facilities and adjacent areas without the required improvements, including without limitation, continuity of improvements, maintenance costs of public facilities, parking, drainage, noise and dust control, pedestrian and vehicle safety and access, and emergency vehicle access and response time.
  - d. Information concerning the consistency of the impacts of the proposed development with the comprehensive plan.
  - e. A design of internal streets and location of fire hydrants satisfactory to the fire marshal for purposes of fire protection within the development.

that compliance with the standards would result in an adverse impact on natural features such as wetlands, steep slopes, or existing mature vegetation; existing development; or public safety.

D. *Phasing of installation.* Except as provided in this section, all required improvements shall be constructed and accepted by the municipality before any certificate of occupancy (conditional or unconditional) is issued for the permitted construction. If the municipal engineer determines that it is not reasonable to require compliance with the preceding sentence, no permit may be issued until the applicant enters into an agreement for construction of the required improvements, with performance guaranties, in the form required for subdivision improvements under chapter 21.87.

E. *Warranty.* All improvements required under this section shall be subject to the warranty and guarantee of warranty requirements provided for subdivision improvements in chapter 21.87.

F. *Oversizing.* If an improvement exceeding the requirements of this section is requested by the municipality and is necessary for the adequate and efficient development of surrounding areas, the municipality may require the applicant to install or accommodate oversizing. In such event the municipality shall reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds are available after completion and acceptance of the improvements. This subsection shall not be a limitation on the municipality's ability to require a utility to oversize its facilities or a limitation on the manner in which the municipality may pay its proportionate share of the costs of oversizing.

G. *Fee in lieu.* A fee in lieu of the required improvements may be accepted if the Municipal Engineer determines:

1. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or
2. Due to the nature of existing development on adjacent properties it is unlikely that

improvements would be extended in the foreseeable future and the improvements associated with the development under review do not, by themselves, provide a sufficient improvement to safety or capacity or a sufficient benefit to the property to be developed under the building or land use permit to warrant construction.

3. Any fee paid pursuant to this section shall be accounted for separately, and the fee paid shall be dedicated and used only for the purpose of constructing the public facilities which were identified by the municipal engineer and for which the fee was paid.

H. *Fee amount.* The amount of the fee in lieu shall be the lesser of 75 percent of the cost of the improvements as estimated by an engineer registered as a professional engineer in Alaska or as provided in a fee schedule adopted by regulation by the municipal engineer, which fee schedule may be adjusted by regulation annually to account for increases in construction costs in the Anchorage area. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within two years from the date of initial payment.

I. *Appeals.* A permit applicant may appeal a decision of the municipal engineer concerning required improvements under this section to the platting board by filing a written notice of appeal with the secretary of the platting board not later than ten days after receipt of written notice of the decision. The appeal shall be placed on the agenda of the next regularly scheduled platting board meeting that occurs not less than 20 days after the filing of the appeal. The platting board shall hear the appeal de novo.

(AO No. 2003-68, § 5, 9-30-03)

## Chapter 21.20

### ZONING MAP AMENDMENTS\*

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\*Cross reference—Fines, § 14.60.030.

**21.20.010 Generally.**

The zoning map of the municipality may be amended only by ordinance in accordance with this chapter.  
(AO No. 85-58)

**21.20.020 Amendments with special limitations.**

A. Subject to subsections B through E of this section, a zoning map amendment may include special limitations that restrict structures, or the use of land or structures, to a greater degree than otherwise provided for a use district applied by the amendment.

B. A zoning map amendment may include special limitations for one or more of the following purposes:

1. To prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan under chapter 21.05.
2. To conform the zoning map amendment to the comprehensive plan in the manner required by chapter 21.05, or to further the goals and policies of the comprehensive plan.
3. To conform development under the zoning map amendment to existing patterns of development in the surrounding neighborhood.
4. To mitigate the adverse effects of development under the zoning map amendment on the surrounding neighborhood and on public facilities and services.

C. A special limitation shall do one or more of the following:

1. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a use district;
2. Require compliance with design standards for structures and other site features;
3. Require compliance with a site plan approved under this title;

4. Require the construction and installation of improvements, including public improvements; or
5. Impose time limits for taking subsequent development actions.

D. A use district subject to special limitations shall be identified on the zoning map by the suffix "SL," and the number of the ordinance applying the special limitations shall be printed on the zoning map within the boundaries of the affected use district.

E. Where a special limitation in a zoning map amendment conflicts with any less restrictive provision of this title, the special limitation governs.  
(GAAB 21.05.090.A; AO No. 77-355; AO No. 85-58)

**21.20.030 Form of amending ordinance.**

An ordinance amending the zoning map shall contain the following:

- A. The name of each use district, as stated in section 21.40.010, which the ordinance applies.
- B. The legal description of the land within each use district applied by the ordinance.
- C. All special limitations to each use district applied by the ordinance.

(AO No. 85-58)

**21.20.040 Initiation.**

A. A zoning map amendment may be initiated only by:

1. The assembly;
2. The planning and zoning commission;
3. The municipal administration; or
4. Any person, subject to subsection B of this section.

B. A zoning map amendment initiated under subsection A.4 of this section must be accompanied by a petition favoring the amendment signed by the owners of at least 51 percent of the property within the area to be rezoned. For the purposes of this subsection, an owner of property

subject to the Horizontal Property Regimes Act owns a percentage of the appurtenant common areas equal to the percentage for that property stated in the recorded declaration committing the property to the Horizontal Property Regimes Act. (GAAB 21.05.090.A; AO No. 85-58)

#### **21.20.050 Submission requirements generally.**

A person initiating a zoning map amendment shall submit to the department of community planning and development:

- A. An application on a form approved by the department of community planning and development stating the following:
  1. The legal description of the property;
  2. A map drawn to scale depicting the property boundaries;
  3. The existing zoning;
  4. The requested zoning;
  5. The area of the land subject to the amendment, excluding any dedicated street rights-of-way;
  6. The petitioner's name, address and telephone number;
  7. If the petitioner is not the owner of the property and the amendment is initiated under subsection 21.20.040.A.4, a letter of authorization from the property owner; and
  8. If the petitioner is professionally represented, the representative's name, address and telephone number.
- B. An 8½- by 11-inch copy, suitable for reproduction, of the municipal zoning map, containing the area subject to the amendment, with the area subject to the amendment outlined.
- C. A statement explaining the relationship of the zoning map amendment to each of the standards listed in section 21.20.090, in a form approved by the department of community planning and development.
- D. A description of any special limitations proposed for the zoning map amendment.

- E. If the amendment is initiated under subsection 21.20.040.A.4, the application fee prescribed under this title.

The planning and zoning commission or the director of the department of community planning and development may require the submission of such other information as may be necessary to permit the informed exercise of judgment under the standards for the review of a rezoning application, as set out in section 21.20.090. Such information shall be related to the scale and location of the rezoning application and may include, without limitation, traffic, soil, hydraulic, visual, aesthetic, water and sewage analyses. (AO No. 84-14; AO No. 85-58; AO No. 87-25, 6-6-87)

#### **21.20.060 Submission requirements for amendments applying planned community district.**

In addition to the items required under section 21.20.050, a person initiating a zoning map amendment that applies to the planned community district other than as a holding zone shall submit to the department of community planning and development:

- A. Eighteen copies of the master development plan map, drawn to scale, depicting the following:
  1. The development areas.
  2. The minor arterial, collector and major residential street system outside the development area.
  3. The open space.
  4. The location of pedestrian trails, parks, play areas, public facilities and uses of a similar type.
- B. A narrative description of the master development plan including:
  1. A description of the project and project intent.
  2. The total acreage of the open space in the PC district.
  3. The acreage of each development area to the nearest acre.

4. The phasing schedule of construction and development, including an anticipated starting and completion date.
5. The characteristics of each development area, including the following information:
  - a. For residential development:
    - (1) The number of dwelling units.
    - (2) The style of dwelling unit (townhouse or detached flats).
  - b. For commercial or industrial development:
    - (1) The area of the building footprint.
    - (2) The gross building area.
    - (3) The type of use.
6. The standards required in section 21.40.250.C.
7. An assessment of the impact of the proposed project on the surrounding area and public services, including but not limited to schools, traffic patterns and transportation systems.
8. A description of the location, capacity and type of off-site public utilities required to serve the proposed development, and a comparison of the existing off-site utilities with those that the proposed development will require.

(AO No. 84-14; AO No. 85-58)

#### **21.20.070 Minimum area requirements.**

No zoning map amendment may be approved that:

- A. Applies any use district to an area less than 1.75 acres (76,230 square feet), excluding rights-of-way, except for:
  1. An amendment extending the boundaries of an existing use district.
  2. An amendment initiated by the municipal administration to place municipally owned land in a PLI use district.
  3. An amendment for local and neighborhood business zoning, subject to the requirements of section 21.40.140.G.

- B. Applies a PC use district to an area less than 40 acres, including rights-of-way, except for an amendment extending the boundaries of an existing PC use district where all of the district as extended is subject to a common master plan.

(GAAB 21.05.090.A; AO No. 79-28; AO No. 84-14; AO No. 85-58; AO No. 88-49(S))

#### **21.20.080 Waiting period for reconsideration.**

Neither the planning and zoning commission nor the assembly may consider or approve a zoning map amendment if it is substantially the same as any other zoning map amendment initiated within the past 12 months and not approved by the assembly.

(GAAB 21.05.090.A; AO No. 79-28; AO No. 84-14; AO No. 85-58)

#### **21.20.090 Standards for approval.**

A. *Conformity to comprehensive plan.* The comprehensive plan establishes goals and policies for the development of the community. The land use and residential intensity classifications of the land use element of the comprehensive plan correspond generally to one or more of the use districts established in chapter 21.40. When adopted, the comprehensive plan took into account development patterns established by existing zoning, but departed from existing zoning where appropriate to implement its goals and policies. In accordance with these functions of the comprehensive plan, a zoning map amendment may be approved only if it furthers the goals and policies of the comprehensive plan and conforms to the comprehensive plan in the manner required by chapter 21.05.

B. *Conditions of approval.* A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community, including but not limited to the environment, transportation, public services and

facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects;

2. The supply of land in the economically relevant area that is in the use district to be applied by the amendment or in similar use districts, in relation to the demand for that land;
3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under subsection 2 of this subsection; and
4. The effect of the amendment on the distribution of land uses and residential densities specified in the comprehensive plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the plan.

(GAAB 21.05.090.A; AO No. 85-58)

**21.20.100 Review and recommendation by planning and zoning commission.**

A. After a public hearing, the planning and zoning commission shall recommend to the assembly one of the following assembly actions on a zoning map amendment:

1. Approve the amendment as submitted in the application.
2. Approve the amendment with special limitations or other modifications. Except for areawide zoning map amendments, the special limitations or other modifications to the amendment shall be at least as restrictive as submitted in the application.
3. Disapprove the amendment. The planning and zoning commission will supplement its recommendation for disapproval with a summary of critical issues related to the application, based upon public input and the commission's deliberations. This information will be available to assist the assembly if an ordinance is submitted under 21.20.100D, including as-

sembly consideration of special limitations, should the assembly vote to approve the zoning map amendment.

B. The recommendations shall be made by written resolution and shall include and be supported by findings on the standards set out in section 21.20.090.

C. If the planning and zoning commission recommends that the assembly approve a zoning map amendment as submitted or with modifications, within 60 days of the commission's written resolution the department of community planning and development shall forward the recommendation to the assembly with an ordinance to amend the zoning map in accordance with the recommendation.

D. If the planning and zoning commission recommends that the assembly disapprove a zoning map amendment, the amendment shall be deemed disapproved unless, within 15 days of the commission's written resolution recommending disapproval, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly.

1. The draft ordinance shall be appended to an Assembly Informational Memorandum (AIM), for consideration by the Assembly. (GAAB 21.05.090.A; AO No. 85-21; AO No. 85-58; AO No. 2004-126(S), § 1, 12-7-04; AO No. 2008-41am, § 1, 6-24-08)

**21.20.110 Protests.**

A. Any written communication conforming to subsection B. of this section, and received by the municipal clerk after notice of a public hearing before the assembly on a zoning map amendment and at least one business day before the time set for the assembly public hearing on the amendment, is a protest of that amendment.

B. A protest must object to the zoning map amendment, contain a legal description of the property on behalf of which the protest is made,

be signed by the owner of that property, and shall state the factual and/or legal basis for the protest. (GAAB 21.05.090.A; AO No. 79-202; AO No. 85-58; AO No. 2004-126(S), § 2, 12-7-04)

### **21.20.120 Action by assembly.**

Standards for approval under 21.20.090 apply to Assembly action on zoning map amendments after planning and zoning commission review and recommendation under 21.20.100.

A. The assembly may approve a zoning map amendment:

1. As submitted in the application to the planning and zoning commission;
2. With special limitations or other modifications at least as restrictive as the amendment recommended by the planning and zoning commission, provided that an ordinance approving an amendment initiated under subsection 21.20.040.A.4 shall become effective only with the written consent required in subsection 21.20.040.B to the special limitations or other modifications;
3. After a recommendation for assembly disapproval under AMC 21.20.100A.3, with or without the addition of special limitations or other modifications, subject to timely filing by the applicant under 21.20.100D; provided that an ordinance approving an amendment initiated under Subsection 21.20.040.A.4. shall become effective only with the written consent required in Subsection 21.20.040.B to any special limitation or other modifications not included in the application submitted to the planning and zoning commission; or
4. With special limitations or other modifications at least as restrictive as submitted in the application to the planning and zoning commission, provided that the amendment is an areawide zoning map amendment.

B. Assembly approval of a zoning map amendment must be by an affirmative vote of eight assembly members if the amendment is protested by the owners of at least one-third in area, excluding rights-of-way, of:

1. The land to which the amendment applies; or
2. The land within 300 feet of the outer boundary of the land to which the amendment applies;

excluding land owned by the municipality, except where the municipality joins in the protest.

C. The assembly may disapprove the amendment, or remand the amendment to the planning and zoning commission with instructions for its reconsideration.

(GAAB 21.05.090.A; AO No. 77-355; AO No. 79-202; AO No. 85-58; AO No. 2000-157, § 1, 6-19-01; AO No. 2008-41am, § 2, 6-24-08)

### **21.20.130 Effective date of amendments.**

A. An ordinance amending the zoning map shall be effective:

1. Upon passage and approval;
2. At a specified time after passage and approval; or
3. Upon the occurrence of one or more specified events after passage and approval, which may be required to occur on or before a specified time after passage and approval.

B. An ordinance amending the zoning map that is effective upon the occurrence of an event is effective only if the event occurs. If the event is required to occur on or before a specified time after passage and approval, the ordinance is effective only if the event occurs on or before the specified time; provided that the planning and zoning commission, for good cause, may extend the time within which the event may occur. (AO No. 85-58)



**21.20.140 Overlay district amendments.**

A. *Overlay district creation, elimination, and alteration.* The provisions of this section shall govern the creation, elimination, and alteration of overlay districts under this title.

1. The Assembly may by ordinance establish overlay districts that provide development standards in addition to the base underlying zoning district in order to address special land use needs, in which special land uses and land use densities, building bulk, setbacks, height, environmental features, community design themes, or design concepts are to be enhanced, preserved or promoted. The specific overlay district shall be established under the procedures set forth below.
2. Overlay districts are intended to be potentially applicable in large areas or in more than one area, such as town centers and transit corridors.
3. An overlay district adopted in the same manner as the original ordinance remains effective until repealed or amended. The assembly may set a time for the overlay district to expire if it finds the planning objectives will be met or completed within a specific time period.
4. The assembly may create, eliminate, or alter boundaries of overlay districts only after a public hearing with notice as specified in section 21.15.005 for zoning map amendments.

B. Subject to the following, a zoning map amendment for an overlay district may be applied to the zoning map to meet a comprehensive plan, specific planning objective or neighborhood plan objective. The overlay district may:

1. Permit, require, prohibit or restrict structures or the use of land or structures;
2. Alter the provisions of the supplementary district regulations as applied to property within the overlay district;
3. Require new development or attributes of new development to conform to a specific architectural or design theme;

4. Require a design review approval process;
5. Alter the development standards of the underlying district by decreasing or increasing the requirements with regard to building height, yards, lot area, lot width, lot coverage, and lot densities of the underlying district.

C. The department of planning shall maintain, for inspection by the public, maps showing the location of the overlay districts and records of the assembly's purpose and intent in establishing each district.

D. Each overlay district shall be annotated on the zoning map with a symbol unique to the overlay district and shall be identified on the zoning map by the suffix "OV" and the number of the ordinance applying the overlay district shall be printed on the zoning map within the boundaries of the overlay district.

E. Where a specification in an overlay zoning map amendments conflicts with any provision of this title, the overlay zoning map amendment shall govern.

F. An ordinance amending the zoning map for an overlay district shall contain the following:

1. The name of the overlay district which the ordinance applies;
2. The legal description of the land within the overlay district applied by the ordinance; and
3. All standards of development to be governed by the overlay district.

G. An overlay zoning map may be initiated only by:

1. The assembly;
2. The planning and zoning commission; or
3. The municipal administration.

H. *Minimum area requirements.* No overlay district zoning map amendment may be approved that applies an overlay district to an area less than 2.00 acres, excluding rights-of-way, except for an amendments extending the boundaries of an existing overlay district.

*I. Review and recommendation by planning and zoning commission.*

1. After a public hearing, the planning and zoning commission shall recommend to the assembly one of the following actions on an overlay district zoning map amendment:
  - a. Approve the overlay district amendment as submitted;
  - b. Approve the overlay district amendment with modifications; and
  - c. Disapprove the overlay district amendment.
2. The recommendation of the commission shall be supported by findings on the standards set forth in section 21.20.090.
3. If the planning and zoning commission recommends that the assembly approve an overlay district zoning map amendment as submitted or with modifications, the planning department shall forward the recommendations to the assembly with an ordinance to amend the zoning map in accordance with the recommendation.
4. If the planning and zoning commission recommends that the assembly disapprove an overlay district zoning map amendment, that was
  - a. Proposed by the commission, that action is final;
  - b. Proposed by the assembly, that action is forwarded to the assembly with the recommendation of the commission; or
  - c. Proposed by the administration, that action may be forwarded to the assembly with the recommendation of the commission.

including, but not limited to, district and town center plans, coastal zone management, and FAR part 77. The amendment may be:

1. Approved as submitted;
2. Approved with modifications as recommended by the Planning and Zoning Commission;
3. Disapproved; or
4. Remanded to the Planning and Zoning Commission with instructions for its reconsideration.

*K. Protest.* Assembly approval of an overlay district zoning map amendments must be by affirmative vote of eight assembly members if the overlay district amendment is protested by the owners of at least one-third in area, excluding rights-of-way, of:

1. The land to which the amendments applies; or
2. The land within 300 feet of the outer boundary of the land to which the amendment applies; excluding land owned by the municipality, except where the municipality joins in the protest.

(AO No. 2001-101(S), § 1, 4-9-02)

*J. Action by assembly.* The assembly may approve an overlay district zoning map amendment only if the overlay area is within the boundaries of a district area plan adopted by the municipality

Chapter 21.25

**ENFORCEMENT; VIOLATIONS AND PENALTIES\***

21.25.010	Violations.
21.25.020	Invalid land use entitlements.
21.25.030	Enforcement orders.
21.25.035	Private enforcement actions.
21.25.040	Inspections; right of entry.
21.25.050	Penalties and remedies.
21.25.060	Repealed.
21.25.070	Abatement of violations.

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\*Cross reference—Fines, § 14.60.030.

**21.25.010 Violations.**

## A. The following are violations of this title:

1. A structure, alteration of a structure, or use of land or a structure that conflicts with a provision of this title, a regulation promulgated under this title or a term or condition of an entitlement issued under this title.
2. To use or occupy a structure, land or water other than as permitted by this title, regulations promulgated under this title, and terms and conditions of entitlements issued under this title.
3. To erect, construct, reconstruct, move, repair or alter a structure or part thereof other than as permitted by this title, regulations promulgated under this title, and terms and conditions of entitlements issued under this title.
4. To partition, sell, transfer or lease, or to agree to partition, sell, transfer or lease, any real property in a manner that creates a subdivision of land, except in accordance with a plat of the subdivision that has been approved and recorded in accordance with this title.
5. To file or record a subdivision plat in any public office unless that plat has been approved for recording by, and bears the approval of, the platting authority under this title.

B. Each act or condition in violation of this title, and every day upon which the act or condition occurs, is a separate violation of this title.

## C. A violator of this title is a person who:

1. Occupies, maintains, alters, constructs or establishes a structure, or use of land or a structure, in violation of this title;
2. Owns, controls or has the right to control land or a structure where a structure, or use of land or a structure, is occupied, maintained, altered, constructed or established in violation of this title; or

3. As principal or agent, violates this title under subsection A.4 or A.5 of this section. (GAAB 21.05.080.C; AO No. 77-355; AO No. 85-23)

**21.25.020 Invalid land use entitlements.**

A. No entitlement may be issued under this title unless all structures and uses of land and structures permitted under the entitlement conform to this title, the regulations promulgated under this title and the terms and conditions of the other entitlements issued under this title that apply to the use or structure. An entitlement issued in violation of this section is void.

B. The prohibition in 21.25.020A shall not apply to nonconforming characteristics of use under this title. Consideration of characteristics of use in relation to the issuance of an entitlement shall comply with 21.55.100.

(GAAB 21.05.080.C; AO No. 77-355; AO No. 85-23; AO No. 2007-79, § 3, 6-26-07)

**21.25.030 Enforcement orders.**

A. An administrative official designated under section 21.10.005 may order:

1. The discontinuation of a use of land or a structure that is in violation of this title.
2. The abatement or removal of a structure or part of a structure that is a violation of this title.
3. The discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of this title.
4. The suspension or revocation of an entitlement issued under this title under the authority, or purported authority, of which a violation of this title is occupied, maintained, constructed or established.
5. The restoration of any structure, vegetation, land, water body or other thing upon the land that is destroyed, damaged, altered or removed in violation of this title.
6. Any other action necessary to prevent, abate or discontinue a violation of this title.

B. An enforcement order issued under subsection A of this section may be directed to one or more violators. A written enforcement order issued under subsection A of this section which is served on a violator personally or by certified mail

is final with respect to that violator if not appealed to the zoning board of examiners and appeals within 30 days of its service.

C. An enforcement order need not be issued before legal action is commenced with respect to a violation of this title. The pendency of any proceeding regarding an enforcement order issued under subsection A of this section does not stay any other legal action with respect to the violation that is the subject of the enforcement order. (GAAB 21.05.080.B, 21.05.100; AO No. 77-355; AO No. 85-23)

### **21.25.035 Private enforcement actions.**

A. *Authorization.* In addition to other remedies available under this Code, any person aggrieved by a violation of this title, section 15.20.020.A. with regard to public nuisances listed in section 15.20.020.B., or sections 25.70.040 and 25.70.045 relating to activities on public grounds, may initiate a private enforcement action before the administrative hearings officer as provided by title 14. For purposes of actions brought under this section, the term "person aggrieved" means any person, natural or artificial, who lives, owns, or lawfully occupies property within one mile of the property described in the complaint.

B. *Filing of complaint.* A private enforcement action is commenced upon filing of a written complaint to the administrative official by a person aggrieved by a violation of law described in subsection A. of this section. The complaint must identify by name and description and street address the property involved, the record owner of the property, the occupants of the property if known, the provision of this Code alleged to be violated, and the facts upon which the complaint is based. The complaint shall also contain written proof that at least one prior contact was made by the complaining party with the respondent to resolve the matter informally. A fee shall be paid to the municipality by the complaining party upon filing, which fee shall be reimbursed to the complaining party if the complaint is sustained.

C. *Service or return of complaint.* Unless information available to the administrative official at the time of review demonstrates that there is no reasonable basis for the complaint, the adminis-

trative official shall, within ten days after filing of a complaint, either initiate service of that complaint upon the respondents named or, if the complaint does not conform to this section, return it to the complaining party with an explanation as to why the complaint does not conform to this section. The respondent may, at any time before a hearing is conducted under this section, serve on the complaining party and the administrative official an answer and any supporting documentation as appropriate.

D. *Hearing date; notice of hearing.* After service of a complaint on all respondents, the administrative official shall schedule a hearing before the administrative hearings officer pursuant to section 14.30.050. The hearing shall occur no sooner than 30 days after that date. All parties shall be notified in writing at least 30 days prior to the date of the hearing. Upon request of the respondent and concurrence of the complaining party filed at least 48 hours prior to the scheduled hearing, the complaint shall be dismissed and the hearing vacated, the complainant's fee returned and no costs assessed.

E. *Conduct of hearing.* The administrative hearings officer shall allow discovery between parties to a private enforcement action brought under this section pursuant to section 14.30.080.D. Hearings shall be conducted under chapter 14.30. Notwithstanding section 14.30.060, complaints served pursuant to subsection D. of this section may not result in disposition without a hearing. In actions brought under this section, the complaining party bears the burden of proof and must prove the existence of the violation claimed by a preponderance of the evidence.

F. *Issuance of compliance order.* After the hearing and upon finding that a violation exists, the administrative hearings officer shall issue a compliance order as provided by section 14.50.010.A to those persons named in the complaint, and their principals or agents as the hearings officer determines appropriate, and set a reasonable time for compliance. In all cases where a violation has been found to exist as of the time of the hearing, the respondent shall be ordered to pay

the reasonable costs, not to exceed \$1,000.00, incurred by the municipality in hearing the matter.

G. *Civil fine.* The administrative hearings officer shall also order payment of a civil fine payable to the municipality in the amount of up to \$250.00 for each day the violation exists after expiration of the time ordered for compliance under this section. Civil fines authorized under this subsection are payable only after respondents have been first provided notice and a hearing on the issue of whether they have fully complied with a compliance order.

H. *Payment of costs by complaining party.* After the hearing and upon a finding that a complaint under this section was brought or maintained frivolously and in bad faith, the administrative hearings officer may order the complaining party to pay actual costs incurred by the respondent in an amount no greater than \$1,000.00.

I. *Service of decisions and orders; appeals; collection of fines.* A final decision of the administrative hearings officer and the compliance order issued under subsection F. of this section shall be served personally or by certified mail on any person who is the subject of the order and mailed to all parties to the proceeding before the hearings officer. Final decisions issued under this section may be appealed to the superior court pursuant to chapter 14.40. Fines imposed under this section shall be collected as provided by sections 14.50.030 and 14.50.040. (AO No. 93-124(S-3), § 1, 4-13-94; AO No. 95-158, § 1, 9-12-95; Ord. No. 96-147(S), § 1, 12-17-96; AO No. 2001-145(S-1), § 17, 12-11-01)

#### **21.25.040 Inspections; right of entry.**

A. Subject to subsection B of this section, at any reasonable time, an administrative official designated under section 21.10.005 may, upon presentation of proper identification, enter upon and inspect any land, building or premises where he has reasonable cause to believe there exists a violation of this title, or enter upon such a building or premises to perform a duty of the administrative official under this title.

B. Where the constitution of the United States or of the state so requires, the administrative official shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The administrative official shall apply to the trial courts of the state to obtain an inspection warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days. (GAAB 21.05.080, 21.05.100, 21.10.070; AMC 10.05.020, 15.05.120, 26.10.070; AO No. 77-355; AO No. 82-16; AO No. 82-22; AO No. 83-165; AO No. 85-23)

#### **21.25.050 Penalties and remedies.**

A. The municipality or any person aggrieved by a violation of this title may bring a civil action to:

1. Enjoin or abate the violation. Upon application for injunctive relief and a finding that a person is violating or threatening to violate this title, the superior court shall enjoin the violation.
2. Enjoin any partition, sale, transfer or lease of real property that creates a subdivision of land in violation of this title, or to enjoin any further transfer of real property subdivided in violation of this title until the violation has been cured.
3. Require the restoration of any structure, vegetation, land, water body or other thing upon the land that is destroyed, damaged, altered or removed in violation of this title.
4. Recover damages suffered because of the violation.
5. In addition to injunctive or compensatory relief, recover a civil penalty not exceeding \$1,000.00 for each violation.

B. A person who violates this title shall be subject to a civil fine as set forth in section 14.60.030, or, if no penalty is set forth in section 14.60.030, a civil fine of not less than \$75.00 and not more than \$400.00 for each violation.

C. Whenever a written enforcement order has become final, as specified in section 21.25.030.B, and the violation continues to exist, the administrative official may:

1. Commence proceedings to cause the abatement of the violation pursuant to section 21.25.070; or
2. Assess an administrative fine, not exceeding \$250.00 per day, for failure to comply with a final enforcement order.

D. The remedies provided in this section are not exclusive, but are cumulative of all other remedies available at law or in equity.

E. Any person may commence an action in superior court to enforce a compliance order of the administrative hearings officer issued under section 21.25.035.F. Upon a finding that a timely appeal was not taken to the superior court, or, if timely appealed, that the order has not been stayed, the court shall enforce that order to the full extent of the law. After the filing of an action under this subsection, the plaintiff may also serve and file with the court a motion requesting entry of judgment by the court. That motion shall be accompanied by a supporting affidavit based on personal knowledge which establishes defendants' failure to comply with an order of the hearings officer issued under section 21.25.035, that such order has not been stayed, and that defendants have been notified of their right to respond to the motion. No later than 15 days after service of the motion, the defendants shall file with the court an answering affidavit. If the answering affidavit states that the order of the administrative hearings officer has been obeyed or otherwise offers a defense to the action, the court shall set an expedited hearing to hear and decide the matter. If the defendants fail to file an answering affidavit in conformity with this subsection, the court, without hearing, shall enter judgment against the defendants for the relief

sought. The judgment shall include the daily amount of civil fines payable under the hearings officer's order through the date of entry.

F. Upon written certification to the municipal attorney by any person who has brought a private enforcement action under section 21.25.035 that a compliance order issued by the administrative hearings officer under that section has not been obeyed, that more than 30 days have passed since the date ordered by the hearings officer for compliance, and that no action has been brought in court to enforce that order, the department of law may initiate and pursue an action to enforce that order as authorized under this section.

(GAAB 21.05.080, 21.05.100, 21.10.070; AMC 10.05.020, 15.05.120, 26.10.070; AO No. 77-355; AO No. 82-16; AO No. 82-22; AO No. 83-165; AO No. 85-23; AO No. 90-130; AO No. 93-124(S-3), § 2, 4-13-94; AO No. 93-167(S-1), § 15, 4-13-94; AO No. 96-147(S), § 2, 12-17-96; AO No. 2001-145(S-1), § 17, 12-11-01)

#### **21.25.060 Repealed.**

**Editor's note**—AO No. 2000-119(S), § 8, adopted Feb. 20, 2001, repealed § 21.25.060, which pertained to definitions. See the Code Comparative Table.

#### **21.25.070 Abatement of violations.**

A. In addition to other remedies provided in section 1.45.010 or another portion of this Code, violation of this title may be punishable through imposition of a civil penalty as set forth in section 14.60.030. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the violator and the owner of record of the property.

B. Unless this notice is appealed, pursuant to section 21.30.110, to the zoning board of examiners and appeals within ten days of the posting of the final warning, the administrative official will proceed to abate the violation.

C. The administrative official shall cause to be kept an account of the cost, including incidental expenses, incurred by the municipality in the abatement of any violation. The administrative official will forward a bill for collection to the violator and owner of record of the property



specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include but not be limited to the actual expenses and costs to the municipality in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.

D. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely upon the owners of the property upon which the abatement occurred. Such charges become a lien upon the real property upon which the violation was located. When charges for abatement remain unpaid after 30 days from billing, the administrative official will record a claim of lien at the district recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes, with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable thereon are paid.

E. The lien created under this section may be enforced as provided in AS 34.35.005—34.35.045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement or costs and attorney fees through a personal action.

(AO No. 90-130; AO No. 93-167(S-1), § 16, 4-13-94)

## Chapter 21.30

### APPEALS

#### Part 1. Appeals to Board of Adjustment

21.30.010	Jurisdiction of board.
21.30.020	Initiation of appeal.
21.30.025	Appellees before board.
21.30.030	Perfection of appeal; notice of appeal; appeal fee.
21.30.040	New evidence or changed circumstances.
21.30.050	Appeal record.
21.30.060	Written arguments.
21.30.070	Appeal packet; notice of hearing.
21.30.080	Conduct of hearing.
21.30.090	Scope of review.
21.30.095	Decision.
21.30.100	Remedies.

#### Part 2. Appeals to Zoning Board of Examiners and Appeals

21.30.110	Jurisdiction of board.
21.30.120	Initiation of appeal.
21.30.130	Time limit for filing; notice of appeal; appeal fee.
21.30.140	Scope of review.
21.30.150	Hearing.
21.30.160	Decision.

#### Part 3. Rules of Procedure and Judicial Appeals

21.30.170	Special rules of procedure applicable to appeal hearings.
21.30.180	Judicial review authorized.
21.30.190	Scope of judicial review.

**PART 1. APPEALS TO BOARD OF  
ADJUSTMENT**

**21.30.010 Jurisdiction of board.**

The board of adjustment shall decide appeals:

- A. From decisions regarding the approval or disapproval of a plat or a variance from the provisions of chapters 21.80 and 21.85.
- B. From decisions regarding the approval or disapproval of applications for concept or final approval of conditional uses and site plans.

(AO No. 73-76; AO No. 77-355; AO No. 84-32; AO No. 84-70; AO No. 85-72; AO No. 86-90; AO No. 86-155; AO No. 94-55, § 1, 5-3-94)

**21.30.020 Initiation of appeal.**

A. Decisions may be appealed to the board of adjustment by:

- 1. The applicant for a site plan, conditional use or subdivision.
- 2. Any governmental agency or unit.
- 3. Any person adversely affected by the action.

B. The planning and zoning commission may direct that any decision of the hearing officer be reviewed by the commission sitting as the board of adjustment in accordance with this chapter; provided that section 21.30.050.B and section 21.30.060 do not apply to such review.

(AO No. 73-76; AO No. 77-355; AO No. 84-32; AO No. 84-70; AO No. 85-72; AO No. 86-155; AO No. 94-55, § 2, 5-3-94)

**21.30.025 Appellees before board.**

A. If a decision is appealed to the board of adjustment as provided in section 21.30.020, an appellee brief may be filed as provided in section 21.30.060 by:

- 1. The party in whose favor the lower administrative body's decision was rendered.
- 2. Any municipal agency.
- 3. Any person who would be adversely affected if the decision of the lower administrative body were reversed by the board.

B. Appellees who wish to be notified by the municipal clerk's office of the date the record is available and of the date the appellant's brief is filed must file a notice of intent to file a brief with the municipal clerk's office on a form prescribed by the municipal clerk within 20 days after the decision of the lower administrative body from which the appeal is taken. An applicant for a site plan, conditional use or subdivision, who is not the appellant, must file a notice of intent to file a brief with the municipal clerk's office within seven days of receipt of the appellant's notice of appeal to become an appellee.

(AO No. 90-144; AO No. 94-55, § 3, 5-3-94)

**21.30.030 Perfection of appeal; notice of appeal; appeal fee.**

A. An appeal to the board of adjustment:

- 1. Initiated under section 21.30.020A. must be perfected by the applicant, or any person adversely affected by the lower administrative body's decision, no later than 20 days after the date the written findings of fact and decision of the administrative body from which the appeal is taken is approved, on the record, and becomes a final, appealable decision pursuant to regulation 21.10.304D., 21.11.304D., or 21.13.340D., as applicable. The appeal is perfected by the filing of a notice of appeal, appeal fee and cost bond in accordance with this section.
- 2. Initiated under section 21.30.020.B must be initiated as provided in that subsection no later than the second regular meeting of the planning and zoning commission after the decision from which the appeal is taken. The planning and zoning commission at any time may waive appeal of a decision under section 21.30.020.B.

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. If the appellant is not the applicant for a site plan, conditional use or subdivision, the appellant shall, within three days after filing the notice of appeal, serve a copy of the notice of appeal on the applicant by certified mail

to the applicant's last known address. Proof the notice was served shall be provided to the municipal clerk.

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 if the decision of the lower body is reversed in whole or in part.

(AO No. 73-76; AO No. 79-196; AO No. 84-70; AO No. 85-72; AO No. 86-155; AO No. 94-55, § 4, 5-3-94; AO No. 2004-126S as amended, 12-7-04, § 3; AO No. 2005-14, § 1, 2-15-05)

#### **21.30.040 New evidence or changed circumstances.**

A. Allegations of new evidence or changed circumstances shall not be considered or decided by the board of adjustment. Allegations of new evidence or changed circumstances shall be raised by written motion for rehearing, filed with the municipal clerk no later than 20 days after the lower administrative body's initial decision becomes final pursuant to regulation 21.10.304D., 21.11.304D., or 21.13.340D., as applicable.

1. The municipal clerk shall automatically reject any motion filed more than 20 days after the lower administrative body's initial decision becomes final, without hearing or reconsideration by the lower administrative body.
2. A decision of the lower administrative body on any issues remanded from the board of adjustment is not an initial decision as described in section A. above. The municipal clerk shall automatically reject, without hearing or reconsideration, any motion alleging new evidence or changed circumstances filed in response to a lower administrative body's decision on any issue(s) presented on remand.

B. If the written motion is timely filed, the administrative body from which the appeal is taken shall decide whether to reopen and rehear the matter pursuant to regulation sections 21.10.503, 21.11.503, or 21.13.530. (AO No. 73-76; AO No. 80-85; AO No. 2004-126(S), § 4, 12-7-04)

#### **21.30.050 Appeal record.**

A. Upon timely perfection of an appeal to the board of adjustment, 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 and 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. The appellant shall arrange for the preparation of the transcript of the board hearing by a court reporter or the current board and commission recording secretary and shall pay the cost of such preparation. The appellant shall file the transcript with the municipal clerk. If the appellant fails to file the transcript within 30 days of the filing of the notice of appeal, the appeal shall be automatically denied.

C. Upon completion of the record, the municipal 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 municipal clerk shall, by certified mail, serve a copy of the record on the appellant. The municipal clerk shall also notify by certified mail the appellees who have filed a notice of intent to file a brief that the record is available for pickup. Upon request, the municipal clerk shall provide a copy of the record to an appellee or the public. A copying cost for the record will be charged as set out in AMCR

3.90.002. The appellee shall also be charged any mailing costs, including the cost of mailing the notice of record availability.  
(AO No. 73-76; AO No. 79-196; AO No. 90-144)

**21.30.060 Written arguments.**

A. *Brief of appellant.* The appellant to the board of adjustment may file a written brief of points and authorities in support of those allegations of error specified in the notice of appeal with the municipal clerk's office not later than 15 days after service of the appeal record. The municipal clerk shall deliver a copy of the appellant's brief to the municipal staff assigned responsibility for the appeal. The municipal clerk shall also notify by certified mail those appellees who have filed a notice of intent to file a brief that the appellant's brief is available for pickup. Upon request, the municipal clerk shall provide a copy of the appellant's brief to appellees, who shall be charged copying costs as provided in AMCR 3.90.002 and any mailing costs applicable.

B. *Brief of appellee.* The municipal staff may, with the approval of the Director of the Office of Economic and Community Development, prepare and submit to the municipal clerk a written reply to the notice of appeal and any brief in support thereof no later than 30 days after service of the appeal record. An appellee who has filed a notice of intent to file a brief may also file with the municipal clerk's office a written reply to the notice of points on appeal and any brief in support thereof no later than 30 days after the service of the appeal record. The municipal clerk shall notify the appellant by certified mail that appellee briefs have been filed.

C. *Reply brief.* An appellant may file a written reply brief to appellee briefs submitted pursuant to subsection B of this section. The appellant's reply brief is due no later than ten days after service of notice that the appellee briefs have been filed.

D. *Form of briefs.* All briefs shall be typewritten on 8½- by 11-inch pages. The text of the brief shall be double-spaced other than quotations from the record, case law or other applicable law or exhibits which cannot be retyped on 8½- by 11-inch pages. The brief of the appellant is limited

to 25 pages exclusive of exhibits. The brief of the appellee is limited to 25 pages exclusive of exhibits. The reply brief is limited to ten pages exclusive of exhibits. The municipal clerk shall not accept a brief unless it is in the form prescribed by this section. If a brief is not filed within the time prescribed by this section, the municipal clerk shall notify the board of adjustment that the brief was filed late. The board shall determine whether to accept a late brief and whether to allow additional time for any qualified opposing party to file reply or rebuttal briefs if allowed.  
(AO No. 73-76; AO No. 84-209(S); AO No. 90-144; AO No. 2004-126(S), § 5, 12-7-04)

**21.30.070 Appeal packet; notice of hearing.**

Following the time set for the receipt of written argument from the appellant, the appellee and the municipal staff under this part, the municipal clerk shall prepare and distribute to the members of the board of adjustment an appeal packet containing only the notice of appeal, the appeal record and any briefs filed in accordance with section 21.30.060. Following distribution of the packets, a date shall be set for consideration of the appeal. Notice of consideration on the appeal shall be published and shall be served by mail on the appellant and those appellees who have submitted briefs. Appeal packets shall be made available to the public upon demand with costs payable by the public as provided in AMCR 3.90.002.  
(AO No. 73-76; AO No. 90-144; AO No. 2009-134, § 1, 1-12-10)

**21.30.080 Conduct of 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 No. 73-76)

**21.30.090 Scope of 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, the appellant's argument and the reply thereto.

B. The board of adjustment may exercise its independent judgment on legal issues raised by the appellant. The term "legal issues," as used in this section, means those matters that relate to the interpretation or construction of ordinances or other provisions of law.

C. The board of adjustment shall, unless it substitutes its independent judgment pursuant to subsection D of this section, defer to the judgment of the lower administrative body regarding disputed issues or findings of fact. Findings of fact adopted expressly or by necessary implication by the lower administrative body may be considered as true if they are supported in the record by substantial evidence. The term "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.

D. Notwithstanding the provisions of subsection C of this section, the board of adjustment may, by an affirmative vote of two-thirds of the fully constituted board, substitute its independent judgment for that of the lower administrative body on any disputed issues or findings of fact. Such judgment must be supported on the record by substantial evidence. For the purpose of this subsection, the fully constituted board of adjustment shall not include those members who do not participate in the appeal in accordance with the provisions of section 21.30.170. (AO No. 73-76; AO No. 88-29)

#### **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 constituted 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 21.30.100.A.

B. Every decision of the board of adjustment to affirm or reverse the decision of the lower administrative body pursuant to subsection A. of this section shall be in writing and shall be based upon and include 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.

C. Every final decision of the board of adjustment shall clearly state on its face it is a final decision with respect to all issues involved in the case, and that the parties have 30 days from the date of mailing, or other distribution of the decision, to file an appeal to the superior court.

D. A board of adjustment decision remanding a case on one or more issues in accordance with section 21.30.100 is not a final decision with respect to any issues involved in the appeal. The board of adjustment's decision remanding the case shall be the final decision with respect to all matters affirmed by the board of adjustment's decision when, following the lower administrative body's decision on remand, no appeal is perfected within the period specified in subsection 21.30.030A.

E. A board of adjustment decision remanding a case on one or more issues in accordance with section 21.30.100 shall state that the decision is the final decision with respect to all matters affirmed therein when, following the lower administrative body's decision on remand, no appeal is perfected within the time period specified in section 21.30.030, and shall also state the parties have 30 days from the expiration of said period to appeal to the superior court. (AO No. 73-76; AO No. 80-85; AO No. 2004-126(S), § 6, 12-7-04)

**21.30.100 Remedies.**

A. Where the board of adjustment reverses 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 that:

1. There is insufficient evidence in the record on an issue material to the decision of the case; or
2. 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 should 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. (AO No. 73-76; AO No. 80-85; AO No. 2004-126(S), § 7, 12-7-04)

**PART 2. APPEALS TO ZONING BOARD OF EXAMINERS AND APPEALS****21.30.110 Jurisdiction of board.**

The zoning board of examiners and appeals shall hear appeals from decisions of the municipal staff regarding:

- A. Enforcement orders issued under section 21.25.030.
- 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, except as provided under section 21.40.240.

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.

F. Denial of a waiver under section 21.45.080.

G. Denial of or imposition of conditions on a certificate under section 21.55.040.

H. Approval of or denial of an application for an administrative variance under section 21.15.013.

(GAAB 21.05.080, 21.30.350; AO No. 85-23; AO No. 88-59(S); AO No. 99-131, § 5, 10-26-99; AO No. 2001-117, § 2, 7-10-01; AO No. 2005-124(S-1A), § 3, 4-18-06)

**21.30.120 Initiation of appeal.**

Appeals to the zoning board of examiners and appeals may be brought by any person adversely affected by the action.

(GAAB 21.05.080, 21.30.350; AO No. 85-23)

**21.30.130 Time limit for filing; notice of appeal; appeal fee.**

A. An appeal of an administrative official's decision, set out in section 21.30.110, to the zoning board of examiners and appeals must be filed by the applicant, or any person adversely affected who requested written notice of the decision appealed from, no later than 20 days after written notification of the decision.

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.

C. The appellant shall pay an appeal fee as set by the assembly, which shall accompany the filing of the notice of appeal. All fees shall be returned to the appellant if the decision of the administrative official is reversed in whole, and one-half of the fee shall be returned if the decision is reversed in part.

(GAAB 21.05.080, 21.30.350; AO No. 91-35; AO No. 2004-126(S), § 8, 12-7-04)

**21.30.140 Scope of review.**

The zoning board of examiners and appeals shall conduct a full evidentiary hearing on an appeal and make its decision on the basis of this title, the evidence and the argument presented. (GAAB 21.05.080, 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 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 zoning board of examiners and appeals 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. (GAAB 21.05.080, 21.30.350; AO No. 2009-134, § 1, 1-12-10)

**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 in writing and shall be based on and include 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.

C. Every final decision of the zoning board of examiners and appeals shall clearly state it is a final decision and that the parties have 30 days from the date of mailing or other distribution of the decision to file an appeal to the superior court. (AO No. 73-76; AO No. 2004-126(S), § 9, 12-7-04)

**PART 3. RULES OF PROCEDURE AND JUDICIAL APPEALS****21.30.170 Special rules of procedure applicable to appeal hearings.**

A. *Conflict of interest.* 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 immediate family has a substantial financial interest in any property affected by the appeal.
2. The board member or a member of his 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. *Reconsideration or rehearing of decisions.* 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;



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 for a decision of the board of adjustment, or the secretary of the board for a decision of the zoning board of examiners and appeals, together with materials supporting one or more of the grounds stated in this subsection, 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 No. 73-76; AO No. 84-226)

#### **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 final decision of the board of adjustment on an appeal from a decision regarding the approval or disapproval of an application for concept or final approval of a conditional use.
- B. A final decision of the board of adjustment on an appeal from the platting board regarding an application for a subdivision.
- C. A final decision of the zoning board of examiners and appeals on applications for a variance.
- D. A final decision of the zoning board of examiners and appeals denying any application for a permit on grounds of non-compliance with provisions of this title.
- E. A final decision of the zoning board of examiners and appeals pertaining to an enforcement order issued under section 21.25.030.

- F. Any final action or decision under this title that is appealable to the superior court under the Alaska Rules of Court and/or laws of the State of Alaska.

(AO No. 73-76; AO No. 77-355; AO No. 84-32; AO No. 84-70; AO No. 85-72; AO No. 85-23; AO No. 86-155; AO No. 2004-126(S), § 10, 12-7-04)

#### **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, the platting board or the hearing officer. The findings of the planning and zoning commission, the platting board, the hearing officer, 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 No. 73-76; AO No. 84-70; AO No. 85-72; AO No. 86-155)

Chapter 21.35

**GENERAL PROVISIONS**

- 21.35.010 Purpose of title.
- 21.35.020 Definitions and rules of construction.
- 21.35.030 Application of regulations. (Repealed)

**21.35.010 Purpose of title.**

The purposes of this title are to:

- A. Promote a logical growth pattern within the municipality and the economic extension of public services and facilities;
  - B. Encourage the most appropriate use of land throughout the municipality;
  - C. Reduce congestion in the streets;
  - D. Enhance safety from fire and other dangers;
  - E. Provide adequate light, air and open space;
  - F. Preserve property values;
  - G. Prevent the overcrowding of the land;
  - H. Avoid undue concentration of population;
  - I. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities; and
  - J. Promote the public health, safety and welfare.
- (GAAB 21.05.010; AO No. 79-201; AO No. 85-23)

**21.35.020 Definitions and rules of construction.**

A. For the purpose of this title, unless otherwise provided, certain terms or words used in this title 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" includes the word "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. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*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.

*Accessory dwelling unit (ADU)* means a subordinate dwelling unit added to, created within, or detached from a single-family residence, that provides basic requirements for living, sleeping, cooking and sanitation.

*Acoustic rating* means a measure of sound-deadening quality of a wall or ceiling-floor assembly.

*Adult care facility* is a non-residential facility providing assistance with activities of daily living as described in Alaska Statutes 47.33.990(1) for three or more adults or a combination of three or more adults and adolescents.

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

*Animal arena* means a fenced area for the riding, exhibition or exercise of large domestic animals. An arena may be covered or uncovered.

*Antenna or antenna array* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), amplitude modulation arrays, wireless telecommunications signals or other communication signals.

*Antennas, preexisting and preexisting towers* means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to May 11, 1999, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*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.

*Apartment, high-rise* means a multiple-family dwelling of six or more stories above the ground level of the principal entrance.

*Areawide zoning map amendment* means a zoning map amendment initiated to implement the comprehensive plan, adjust use district boundaries, or redistrict property throughout a region or neighborhood as distinguished from a single subdivision or tract.

*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.

*Assisted living* refers to the housing and ancillary care services offered on a residential basis for an assisted living home in Alaska Statutes 47.33.010 and 47.33.990(6).

*Assisted living provider* means a person or entity offering housing and ancillary care services to persons with disabilities for compensation.

*Average* means the equaling of an arithmetic mean. This shall be interpreted to mean the plantings may be grouped together in such a way as the designer shall choose so long as the total number of plants meets the standard.

*Barn* means a building used for the housing and care of horses or other large domestic animals and for the storage of feed, hay, other crops, tools and farm or tack or equine equipment, and uses accessory to these uses.

*Bed and breakfast* means a single-family dwelling or one unit of a two-family dwelling, excluding mobile homes except in the R-5 or R-5A district, which is host/owner-operator-of-the-enterprise-occupied and offers overnight accommodations for which compensation is paid on a daily or weekly basis for no more than 30 consecutive days, and which offers only one daily meal.

*Buffer zone* means an area or parcel of land which creates a visual or auditory separation between differing land uses.

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

*Building area* means the total area of all principal and accessory buildings or structures, projected upward from a horizontal plane 30 inches above grade level to the sky. Building area includes cantilevers, decks and covered areas more than 30 inches above the finished grade level, skywalks and similar structures, but does not include those projections exempted under section 21.45.070. For large domestic animal facilities, building area includes all buildings and covered areas, and excludes uncovered arenas, corrals, paddocks, and riding areas.

*Building, front line of* means the line of that part of the building nearest the front property line of the lot.

*Building, height of* means the vertical distance above a reference datum measured 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 pitched or hipped roof as illustrated in figures 1 and 2 in section 21.45.050.

*Building, principal* means a structure in which is conducted the main use of the lot on which the structure is situated.

*Business* means an enterprise which for consideration will provide for the sale or the rental of any article, substance or commodity, including but not limited to business services and personal services.

*Business service* means an enterprise which for consideration provides other businesses with planning, advice, advertising, leased or rented equipment, maintenance, security, management, consulting or technical aid.

*Caliper* means the diameter of a tree six inches above the ground.

*Camper parks* means a lot or parcel of land occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay and containing a potable water source and public toilet facilities.

*Cemetery* means a graveyard, burial ground, or other place of interment, entombment or sepulcher of one or more human bodies or remains.

*Child care center* has the same meaning as set forth in chapter 16.55 for child care and educational center, and may care for nine or more children. Operation of a child care center is not a home occupation.

*Child care home* has the same meaning as set forth in chapter 16.55, and may care for up to eight children. Operation of a child care home is not a home occupation.

*Church* means a building or structure, or groups of buildings or structures, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

*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.

*Collector street* means a street designed and intended to carry traffic from residential street systems to arterial or major highway systems.

*Collocation* means the location of antennas on existing structures, including but not limited to towers occupied by another provider, buildings, water towers, utility substations, utility poles and church steeples.

*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.

*Common wall* means a wall extending from the footing of a building to the roof along a side lot line between two lots on which the building is located.

*Comprehensive plan* means the comprehensive development plan of the municipality.

*Conditional use* means a special exception (see definition of *Special exception*).

*Containerized storage unit* means a factory built shipping container, which has been placed on a lot or tract for the purpose of storage. Containerized storage unit includes but is not limited to Conex or ATCO containers, moving vans, and railroad boxcars.

*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.

*Corral* means an uncovered pen or enclosure for confining animals.

*Correctional community residential center* and *CCRC* mean a community residential facility, other than a correctional institution, for the short-term or temporary detention of prisoners in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity except prisoners who pose a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision. The determination of whether a prisoner poses a threat or danger to the public for violent or sexual misconduct without imprisonment or physical confinement under guard or 24-hour physical supervision shall be made by the commissioner of corrections for state prisoners and the United States attorney general or the director, bureau of prisons for federal prisoners.

**Cross reference**—See editor's note at the end of the "quasi-institutional house" definition in this section.

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

*Coverage, building* means that percentage of the total lot area covered by buildings. For the purpose of floor area ratio (FAR) calculations, building coverage excludes 100 percent of the gross floor area which is completely below grade and used exclusively for required vehicle parking and loading.

*Density* means the number of dwelling units per gross acre in any residential development.

*Disability or handicap* has the same meaning as "disability", pursuant to the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. Chapter 126.

*Dormitory* means a building(s) used as group living quarters for students, religious orders, employees and the like directly affiliated with schools, colleges, convents, or similar institutional uses, or directly affiliated with a permitted principal use.

*Drive-in bank* means a financial institution which provides service by use of more than one station to persons who remain inside a motor vehicle.

*Drugstore* means a retail store which offers for sale both pharmacy goods and services and non-medical merchandise.

*Dwelling* means a building designed or used exclusively as the living quarters for one or more families.

*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.

*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 fac-

tory and designed to be joined at the 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 the location of use on a permanent foundation.

*Dwelling, two-family* means a detached building designed for or occupied exclusively by two families and constituting two dwelling units.

*Dwelling unit* means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.

*Entitlement* means any permit or approval granted under this title, including, but not limited to zoning map amendments, conditional use permits, preliminary or final plat approval, site plan approval, and variances.

*Fallout shelters* means 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 structures in any district, subject to the yard and lot coverage regulations of the district.

*Family* means one or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a roominghouse, club, fraternity house or hotel.

*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.

*Financial institution* means any structure in which the primary occupation is to offer banking, savings, loan or investment services to the public.

*Garage* means a building or portion thereof in which motor vehicles containing gasoline, distillate or other volatile flammable liquids are stored.

*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.

*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.

*General area* of a zoning map amendment means the area within one mile of the property subject to the zoning map amendment.

*Grade (adjacent ground elevation)* means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

*Gross area* means the total site area, excluding bodies of water, to be included within a proposed development as indicated on a site plan.

*Gross floor area* means the total horizontal area of all of the floors of a building, measured from exterior to exterior, including interior balconies, mezzanines, stairwells, elevator shafts and ventilation shafts, etc.

*Guest* means any person hiring or occupying a room for living or sleeping purposes.

*Guestroom* means a room intended or designed to be used for sleeping purposes. Every 100 square feet of net floor area in a dormitory shall constitute one guestroom.

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

sidered habilitative care, and not a correctional community residential center. The term "habilitative care facility" replaces the "quasi-institutional house" previously used in this title.

*Health authority certificate* means a written confirmation signed by an engineer and the department of health and human services certifying that the on-site sewer and water system serving a single-family dwelling is functional and complies with all state and local regulations and codes. In the event of inconsistency among these regulations and codes, the most restrictive shall apply.

*Health care facility* means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including but not limited to a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, or maternity hospital, but excluding habilitative care facilities and residential care facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Central services facilities, such as kitchens and laboratories, which serve the health care facility are permitted accessory uses to a health care facility.

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

*Hillside lot* means a lot on which the average ground slope exceeds 15 percent (0.15 foot to one foot).

*Home occupation.* See section 21.45.150.

*Homeless and transient shelter* means a facility designed to provide minimum necessities of life on a limited, short-term basis for individuals and

families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent solution to the problem, including contact with community resources for housing and employment in the case of transients.

*Hospital* has the same meaning as set forth in Alaska Statutes chapter 18.20.

*Hotel* means any building containing 20 or more guestrooms accessible only by means of an interior corridor, rented for compensation by the day or week and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants, meeting rooms and the like.

*Housing for the elderly* means multiple-family housing especially designed for occupancy by persons 62 years of age and older and requires 30 percent of the units within the facility to be handicapped accessible with accommodation for wheelchairs. The facility may include, as accessory uses, central recreation and dining areas and health services.

*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.

*Impound yard* means an area used for the storage of vehicles for any reason, including but not limited to traffic accidents, improper parking and abandonment. No dismantling or disassembly of vehicles is permitted in an impound yard. The vehicle so stored may be sold from the impound yard by auction or otherwise, in accordance with state law.

*Incinerator facility* means a site under one ownership with one or more incinerators that uses thermal combustion processes to destroy or

alter the character or composition of medical waste, sludge, soil or municipal solid waste (not including animal or human remains).

*Industrial* means an activity including manufacturing, processing, warehousing, storage, distribution, shipping and other related uses.

*Inebriate reception center* means a facility or institution, whether public or private, principally engaged in providing short-term sleeping facilities for inebriated individuals. The phrase "short-term," for the purposes of this subsection, means that any one visit shall continue until the individual is no longer intoxicated or incapacitated by alcohol.

*Junk* means any wornout, wrecked, scrapped, partially or fully dismantled, discarded tangible material, or combination of materials or items, including junk vehicles as defined in section 15.20.010. 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.

*Junkyard.* See *Salvage yard*.

*Landscaping* means trees, shrubs, ground covers and related improvements, including furniture and other facilities intended to enhance public activity spaces both within and outside the affected public facility. This definition shall include spaces of varying degrees of enclosure from interior spaces to transitional spaces and outdoor spaces.

*Landscaping maintenance* includes but is not limited to appropriate watering, pruning, insecticide spraying, fertilizing, plant replacement and other necessary functions as required to bring all plant materials to a vigorous healthy growing condition.

*Large domestic animal* means domestic or semi-domestic animals such as horses, cows, pigs, llamas and other similar animals of similar size, but not dogs, *canis familiaris*.

*Large domestic animal facility* means a structure or structures on a lot or tract or abutting lots or tracts and the riding, keeping, boarding, harboring, stabling, training, exercising, breeding, or



related use of four or more large domestic animals regardless of animal ownership. Properties with fewer than four large domestic animals are permitted in residential zoning districts in conformity with the requirements of titles 15, 17 and 21.

*Large retail establishment* means one or more buildings located on a single lot that are used or intended for use principally for the retail sale of merchandise, and whose total floor area exceeds 20,000 square feet. Large retail establishment includes without limitation general merchandise retailers, warehouse and club retailers, superstores, discount stores, outlet stores, second-hand stores, and thrift stores.

*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.

*Loading space, off-street* means a space located on premises for pickup and delivery at the premises.

*Lodginghouse* means a building or group of buildings containing between six and 19 guestrooms, or up to 60 beds, for overnight lodging for compensation, where at least one meal per day is provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities. A lodge, lodging, inn or any other facility that falls within this definition is a lodginghouse.

*Lot* means a parcel of land shown as an individual unit on the most recent plat of record.

*Lot, corner* means a lot located at the intersection of two or more streets. A lot abutting on a curved street 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 of less than 135 degrees.

*Lot coverage* means the percentage determined by dividing the total building area of a lot (excluding projections of the types permitted in required yards by 21.45.070) by the area of the lot.

*Lot, depth of* means the mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines.

*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.

*Lot, interior* means a lot other than a corner lot, with frontage only on one street.

*Lot lines* means the property lines bounding the lot.

*Lot, through and double-frontage lot* mean a lot other than a corner lot with frontage on more than one street.

*Lot, transverse* means a lot which is approximately at right angles to the general pattern of other lots in the same city block.

*Lot width* means the distance between straight lines connecting the 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. This standard shall not apply to the flag pole portion of flag shaped lots. Flag shaped lot width shall be measured at the midpoint of the lot excluding the flag pole area of the lot.

*Maintenance easement* means an easement appurtenant to a lot or parcel permitting entry upon another lot or parcel for the purpose of maintaining, repairing or reconstructing a structure on the former lot or parcel.

*Major residential street* means a street that carries from 500 to 2,000 average daily trips as determined in accordance with section 21.85.050.

*Mineral resources operations, natural resources extraction and mineral or natural resources development* mean commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel or rock, or any mineral and other operations having similar characteristics.

*Mixed use*, as applied in the B-1A local and neighborhood business district, means a single

building containing more than one classification of land use (e.g. residential, office, retail, institutional) or a single development of more than one building and use, where the uses of more than one classification of land use are in a compact urban form, planned and designed as a unified complementary whole, and functionally integrated to facilitate the use of shared vehicular and pedestrian access and parking, compatible with an established neighborhood commercial area as demonstrated by current or historical use, or area designation in the comprehensive plan.

*Mobile home* means a detached, single-family dwelling designed for long-term human habita-

tion 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.

*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.

*Motel* means a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing six or more rooms with all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, including auto courts or motor lodges.

*Nightclub, unlicensed* means an enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance revues; live, recorded, or electronically enhanced music; patron dancing; or performances by live or recorded professional or amateur entertainers, but does not offer or sell to its patrons either alcoholic beverages as defined by AS 04.21.080 or adult entertainment as defined by AMC 10.40.050. Teen clubs and cultural performance venues as set forth in AMC 10.55, discotheques, nightclubs, bars, lounges, dance halls, bistros, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 7:00 a.m. This definition excludes theaters or auditoriums with fixed seating, facilities used exclusively for nonprofit charitable or nonprofit educational purposes, religious facilities, adult-oriented establishments as defined by AMC 10.40.050, publicly owned and operated recreation centers or parks, and public and private schools.

*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.

*Nursing facility* has the same meaning as set forth in Alaska Statutes chapter 18.20.

*On-site remediation* means removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within 300 feet of the location where the material was originally contaminated.

*Open recreation uses, commercial* means recreational activities conducted outside of any permanent building and operated as a business.

*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 streets. The open space may be common open space or private, or a combination thereof, and may be devoted to active or passive use. Open space may be formally landscaped or retained as natural vegetation.

- A. Common open space means open space for the common use and enjoyment of the owners and occupants of the subdivision, building, planned unit development or condominium. Common means shared by all tenants and is distinguished from space designated for private use.
- B. Usable open space means open space within a proposed development site, excluding areas devoted to roadways and parking. Unless otherwise specified in this Title, at least one-half of all areas designated as usable open space must have a slope of less than 20 percent. The space may be common or private.

*Overlay district* means a unique set of zoning regulations which are superimposed on one or more established zoning districts and shown on the zoning map, and subsequently impose in addition to or in place of the regulations of the underlying district. The overlay district may be used to impose supplemental restrictions on uses in these districts, permit uses otherwise disallowed, or implement some form of site or architectural design program. Developments within an overlay district must conform to the requirements

of the underlying district as modified by the overlay district and as set forth in the enacting ordinance.

*Paddock* means a fenced area used to house one or more large domestic animals. A portion of the fenced area may be roofed or otherwise covered.

*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.

*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.

*Person* means any individual, trustee, association, partnership, corporation, or limited liability company, or any officer, employee, department, agency or instrumentality of the United States, a state or any political subdivision of a state.

*Personal service* means an enterprise, whether for consideration or not, which provides, upon demand of an individual, care, advice, aid, maintenance, repair, treatment or similar semi-technical, technical or experienced assistance other than the practice of a profession and wholesale or retail sale of goods.

*Pharmacy* means a retail store which offers only to prepare, preserve, compound and dispense prescribed and nonprescribed medication and drugs, medical supplies and health care items.

*Planned unit development.* 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.

*Pollution* means the contamination or altering of waters, land, or subsurface land of the municipality in a manner that creates a nuisance or

makes waters, land, or subsurface land unclean, noxious, or impure, or unfit so that they are actually or potentially harmful, detrimental, or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, birds, fish, or other aquatic life, and includes those substances identified in subsections 21.67.030A. and B.

*Prisoner* has the same meaning as defined in AS 33.30.901 as to state prisoners, and includes persons convicted of a felony described in AS 11.41 (Offenses Against the Person) in Alaska or of an offense with the same or substantially similar elements in another jurisdiction until they have successfully completed all conditions of parole and probation and are no longer under the supervision of the court, the Alaska Department of Corrections, another state or municipal agency, or contractor to those entities. The term "prisoner" also includes federal offenders in the custody, control or under the care of supervision of the United States attorney general or the bureau of prisons.

*Profession* means an occupation which requires the practice of a learned art through specialized knowledge based on a degree issued by an institute of higher learning.

*Property line* means a demarcation limit of a lot dividing it from other lots or parcels of land.

*Public health and safety laboratory* means research and analysis facilities operated by public agencies and designed to assure public health and safety through crime investigation, food safety analysis and other laboratory services.

*Public safety facility* means a facility operated by a government agency, for the purpose of providing public safety and emergency services, training for public safety and emergency personnel, and related administrative and support services.

*R value* means a measure of resistance to heat loss as defined in Architectural Graphic Standards, sixth edition.

*Rated capacity* means the maximum throughput, in pounds per hour, of material that can be

treated by an incineration facility or thermal desorption unit under optimum conditions and waste type.

*Recreational vehicle* means a vehicular type unit primarily designed as temporary living quarters for travel, camping, recreational or vacation usage, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, pickup truck camper, fifth-wheel and motor home.

*Residential* means activity involving the occupation of buildings for living, cooking, sleeping and recreation.

*Residential care facility* is a facility that provides assisted living to three or more adults, and adolescents in appropriate cases as allowed by exception on a residential basis. For purposes of 21.40.030 and 21.40.040, a small residential facility providing housing and ancillary care services for compensation to a group of five or fewer residents shall be deemed a single housekeeping unit. A large residential care facility has nine or more residents; a small residential care facility has eight or fewer residents, except in the residential districts under sections 21.40.030 and 21.40.040, a small residential facility shall not exceed five residents without an administrative variance to provide reasonable accommodation. Residential care provided to two or fewer clients is permitted in any zoning district where a residential dwelling is allowed, and is not subject to this definition.

*Residential street* means a street designed and intended to serve local areas. Residential streets feed traffic into collector and arterial street systems.

*Roominghouse* means any dwelling in which four or more guestrooms are available for compensation which is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. A small residential care facility providing housing and ancillary care services for compensation to a group of five or fewer residents, habilitative care facility, hotel, bed and breakfast and any other facility licensed or regulated by this title is not a roominghouse. A boardinghouse, single-room oc-

cupancy facility not in a residential zone, tourist home or any other facility falling within this definition is a roominghouse.

*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 or equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber or other tangible materials defined under *Junk*.

*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.

*Screening structure* means a decorative wood fence four feet to six feet high.

*Self-contained sanitation system* means a sewage and water system designed and utilized to hold and manage human waste and waste water, including all gray water with zero on-site discharge, except to an approved on-site septic system.

*Self-storage facility or ministorage facility* means a completely enclosed structure(s) containing three or more areas or rooms available for lease or rent for the purpose of the general storage of household goods, vehicles and business or personal property, where the lessee of the unit is provided direct access to deposit or store items and vehicles do not fill the majority of the permitted storage area.

*Severe alcohol dependent housing* means a facility that provides housing 24 hours per day, other than on a temporary basis, to seven or more persons who are severely alcohol dependent. Persons under the jurisdiction of the courts may reside in an severe alcohol dependent housing facility. It does not include any facility which is a correctional community residential center, resi-

dential care facility, or habilitative care facility. The facility may provide services accessory to the housing such as an on-site resident manager responsible for safety monitoring, property maintenance and monitoring, and house rules management, as well as residential support staff tasked to provide assistance with daily/independent living skills training and to provide referrals for services such as mental health, rehabilitation, medical, and other similar services. Food service, laundry, community recreation room, and other such residential-related services and facilities may be provided on-site to residents of the facility only. Group rehabilitation shall not be provided within the facility as a primary use, but may be provided on an occasional basis, only to residents of the facility, if it is not a requirement of residing in the facility. Case management may occur on an individual basis in a community room or private dwelling unit or sleeping room.

*Shooting range, outdoor* means an establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting. Structures may include academic or other buildings related to the site operations and training needs.

*Shrub* means a woody perennial plant having more than one main stem at the ground, usually attaining a height of less than 15 feet.

*Site plan* means:

1. A group of documents containing sketches, text, drawings, maps, photographs and other material intended to present and explain certain elements of a proposed development and the interrelationship of these elements.
2. A plan, prepared to scale, showing accurately and with complete dimensioning the boundaries of a site and the location of all uses and structures proposed for one or more parcels of land as required by this title and the regulations involved.

A site plan may include but is not limited to lot lines, adjacent lots and streets, building sites, reserved open space, buildings, interior vehicular and pedestrian access, parking lot design (calculations and layout), signage, lighting and screen-

ing devices, existing and proposed landscaping, topography, drainage, and, depending on requirements, floorplans, building elevations and locations of proposed utility services and lines, and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

*Site plan review* means the process whereby the reviewing authority reviews the site plans and maps of a developer to ensure that they meet the stated purposes and standards of the zone, provide for the necessary public facilities such as roads and schools, and protect and preserve topographic features and adjacent properties through appropriate siting of structures and landscaping.

*Snow disposal site* means an area no less than 36,000 square feet in size which is used for the concentrated storage and disposal of snow transported to that site from other locations.

*Social service facility* means a facility operated by a government or a non-profit social service agency which provides services, or activities undertaken to advance the welfare of citizens in need, such as food or clothing distribution, job or life skills counseling or training, and the like. This use does not include retail facilities, medical care, behavioral health counseling, or overnight accommodations. This use may include supporting offices, but stand-alone offices of a social service agency are not considered a social service facility.

*Special exception and conditional use* mean 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. A special exception is a conditional use, and wherever the terms appear in this title they may be used interchangeably.

*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.

*Stable* means a building in which domestic animals are sheltered and fed, such buildings having stalls or compartments.

*Station*, as used in connection with a drive-in bank, means a location which is adequate to accommodate a single vehicle at any one time for the purpose of allowing occupants of that vehicle to receive automated or personal service from a financial institution while remaining in the vehicle.

*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.

*Storm sewer and separate storm sewer system* mean a conveyance or system of conveyances, including roads and drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains:

1. Owned or operated by the state, Municipality of Anchorage, district, association or other public body (created by or pursuant to state or local law) having jurisdiction over disposal of sewage, industrial wastes, storm water or other wastes, including special districts under state or local law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

*Storm water* means surface water runoff originating from surface water, snowmelt, wash waters, street wash, subsurface drainage, or other drainage but excludes wastewater as defined in Title 15 of the Anchorage Municipal Code.

*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 floorspace is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement, cellar or unused floorspace shall be considered a story.

*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.

*Stream* means any natural conveyance of water flowing in a definite course or channel and possessing a bed and banks. This includes any reaches of natural streams that have been modified or channelled that still convey flows. A natural stream conveys more flow than can be attributed to a single snowmelt or rainfall event.

*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.

*Strip commercial area* means a developed business frontage along a street and no more than 200 feet in depth from the front property line.

*Structure* means anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

*Surrounding neighborhood* of a zoning map amendment means the land whose owners are entitled to notice of the zoning map amendment under chapter 21.20.

*Thermal desorption unit* means a facility that removes volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes utilizing direct or indirect heat exchange to volatilize the compounds. This definition does not include short-term (less than six months) on-site remediation operations.

*Tower, amateur radio* means an antenna and structure of any type used exclusively by a licensed amateur operator which are part of feder-

ally licensed amateur radio station for radio-communication for the purpose of self-training, intercommunication and technical investigations carried out by amateurs solely with a personal aim and without pecuniary interest.

*Tower, community interest*, means any structure principally designed to support an antenna(s) where the height of the structure exceeds 100 feet from grade to the top of any antennas for a structure attached to the ground or 100 feet from the roof line to the top of any antennas for a tower attached to a building.

*Towers, high voltage transmission* means structures used to support transmission conductors transmitting electric power over relatively long distances, usually from the central generating station to main substations. The towers are also used for electric power transmission from one substation to another for load sharing or system reliability. High voltage transmission towers are designed to be capable of supporting transmission lines carrying in excess of 138 kilovolts.

*Tower, local interest*, means any structure principally designed to support antennas not defined as a community interest tower.

*Tower structures* are classified as follows:

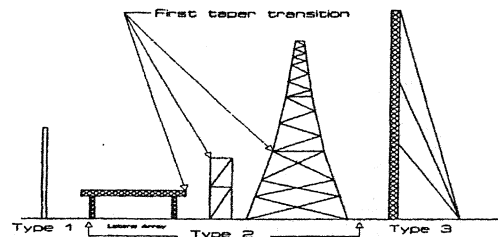
*Type 1* means a freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole.

*Type 2* means a freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This type tower includes lateral arrays.

*Type 3* means a guyed vertical support structure of open frame, skeletal design or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

*Type 4* means a support structure, such as an existing building, steeple, spire or utility pole that is not a type 1, 2 or 3 and is used for

supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.



Tower Structures

*Tower site* means a, lot, tract or an aggregate of abutting lots and tracts that has been planned and coordinated for development with separate community interest towers and/or local interest towers in any combination including subordinate and related equipment and buildings in accordance with the applicable zoning district as a principal or conditional use.

*Townhouse* means a building containing not less than two single-family dwelling units erected in a single row, on adjoining lots, with each unit separated from the adjoining unit or units by one-hour fire resistant property line walls, extending from the basement or crawl space floors to 30 inches above the roof (or parapet exception) on each side of the common lot line.

*Transitional living facility* means temporary housing with services to assist homeless persons and families to prepare for and obtain permanent housing within 24 months. The facility provides 24-hour a day, seven days a week programmatic assistance, or services, for self sufficiency skills to its tenants, and may provide services such as, but



not limited to, on-site assistance to its tenants in learning independent living skills (shopping, cooking, financial budgeting, preparing for job interviews, preparing resumes, and similar skills) and referral to off-site education and employment resources (GED completion, job training computer training, employment services, and the like) to assist the tenants in becoming financially self sustaining.

*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.

*Tree* means a woody perennial plant having a single main stem.

- a. *Deciduous tree* means a tree that loses its leaves annually.
- b. *Evergreen tree* means a tree that retains its leaves.

*Tributary* means any branch, fork or channel that flows into and connects to a stream and also meets the basic definition of a stream.

*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 percent.

*Use, principal* means any main activity permitted by this title.

*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.

*Vehicle storage yard* means the outdoor storage of vehicles, boats, and recreational vehicles. For this definition, *vehicles* means cars, trucks, sport utility vehicles, vans and similar vehicles under 12,000 pounds gross vehicle weight.

*Warehouse* means a structure containing an area available for the purpose of storing commercial, industrial or private personal property.

*Water* means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets and canals in the territorial limits of the municipality and all other bodies of surface water or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, that are wholly or partially in or bordering the municipality or under the jurisdiction of the municipality.

*Water-dependent* means any use or activity whose primary purpose requires direct access to a water body, or which can be carried out on, in or adjacent to a water body only. The activity or use would not be possible if located away from water sites or without direct water access.

*Waters of the United States* means:

- A. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- B. All interstate waters, including interstate wetlands;
- C. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation or destruction of which would affect interstate or foreign commerce, including any such waters:
  1. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
  2. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  3. Which are used or could be used for industrial purposes by industries in interstate commerce;
- D. All impoundments of waters otherwise defined as waters of the United States under this definition;

- E. Tributaries of waters identified in subsections 1 and 6 of this definition;
- F. The territorial sea; and
- G. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections A through F of this definition.

*Waste treatment systems*, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water that neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

*Water-related* means any use or activity which is not directly dependent upon access to a water body, but which provides goods or services that are directly associated with water dependence or provide direct physical or visual public access or use of the municipal waterfront, and which, if not located adjacent to a water body, would result in a public loss of quality in goods or services offered or public access to the waterfront.

*Watershed district* means those lands and waters designated as the Anchorage Watershed District on the map that is printed following this chapter.

*Watershed manager* means the executive director of the office of community planning and development or designee, who is the administrator of, and storm water program coordinator for, the National Pollutant Discharge Elimination System municipal separate storm sewer system permit required under federal law.

*Wind energy conversion system (WECS)* means any device or assemblage which directly converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting

structures and such directly connected facilities as generators, alternators, inverters, batteries, and associated control equipment.

- A. A small WECS has a rated power capacity of not more than 25 kW and is intended to produce power primarily for on-site consumption, either instead of or as a supplement to utility power.
- B. A utility WECS has one or more WECS units with a rated capacity greater than 25 kW, and is intended primarily to provide distributed electric power as a public or private utility.

*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.

*Yard, front* means a yard extending the full width of the lot across the front of a lot adjoining a public street. (See supplementary district regulations.)

*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.

*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.)

*Yard, usable* means one or more well-drained open areas covered with lawn grass or other

suitable cover material located on the same lot as the principal use for use by the residents thereon for outdoor activities.

(GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No. 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1, 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1, 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No. 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2001-101(S), § 2, 4-9-02; AO No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1, 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO No. 2004-108(S), § 2, 10-26-04; AO No. 2005-9, § 1, 3-1-05; AO No. 2005-150(S-1), § 1, 2-28-06; AO No. 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-1A), § 4, 4-18-06; AO No. 2006-121, § 1, 9-26-06; AO No. 2006-64(S-1), § 1, 12-12-06; AO No. 2007-62, § 1, 5-15-07; AO No. 2008-80, § 1, 9-16-08; AO No. 2009-22, § 1, 4-14-09; AO No. 2010-3, § 1, 3-23-10; AO No. 2010-50(S), § 1, 8-31-10; AO No. 2011-93(S), § 1, 9-27-11)

**Editor's note**—The definition of fallout shelters contained in this section was formerly codified in the 1977 Code as the first sentence of subsection 21.45.060.A.

**Cross reference**—Definitions and rules of construction generally, § 1.05.020.

**21.35.030 Application of regulations.** (Repealed)  
(AO No. 85-23)

## Chapter 21.40

### ZONING DISTRICTS\*

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21.40.350	gC-1 (Seward Highway/West Alyeska Highway Commercial) District.
21.40.360	gC-2 (Girdwood Station/Seward Highway Commercial) District.
21.40.370	gC-3 (Old Townsite Commercial/Residential) District.
21.40.380	gC-4 (Lower Alyeska Highway Commercial) District.
21.40.390	gC-5 (New Townsite South Commercial) District.
21.40.400	gC-6 (Crow Creek Road Commercial/Residential) District.
21.40.410	gC-7 (Townsite Square Commercial) District.
21.40.420	gC-8 (New Townsite North Commercial) District.

\***Cross references**—Exemption from zoning regulations during period of emergency, § 3.80.110; parking in private areas, § 9.54.020; residential parking program, ch. 9.65; license required for all businesses and other commercial enterprises in municipality, § 10.05.020; fines, § 14.60.030.

ANCHORAGE MUNICIPAL CODE

21.40.430	gC-9 (East Hightower Commercial/Residential) District.
21.40.440	gC-10 (Upper Alyeska Highway Commercial) District.
21.40.450	gI-1 (Ruane Road Industrial) District.
21.40.460	gI-2 (Upper Crow Creek Industrial) District.
21.40.470	GRST-1 (Original Mountain Base Resort) District.
21.40.480	GRST-2 (New Base Resort) District.
21.40.490	GA (Girdwood Airport) District.
21.40.500	GOS (Girdwood Open Space) District.
21.40.510	GIP (Girdwood Institutions and Parks) District.
21.40.520	GCR-1 Commercial Recreation (Golf Course/Nordic Ski Course) District.
21.40.530	GCR-2 Commercial Recreation (Glacier—Winner Creek) District.
21.40.540	GCR-3 Commercial Recreation (Crow Creek Historic Mine) District.
21.40.550	GDR Development Reserve District.
21.40.560	GRR (Recreation Reserve) District.
21.40.570	GW (Girdwood Watershed) District.

**21.40.010 Zoning map; districts designated.**

A. *Zoning map generally.* The municipality is divided into use districts as shown on the official zoning map of the municipality consisting of a series of map pages adopted by ordinance and any subsequent amendments in accordance with this title.

1. The zoning map shall be revised so that all current or future parks, open space and green belts within PLI district are designated by use of a lower case letter "p" following the term "PLI" on the map: i.e. "PLI-p."

B. *Districts.* The municipality 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.
4. R-2A, two-family residential district.
5. R-2D, two-family residential district.
6. R-2M, multiple-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-5A, rural residential district (large lot).
11. R-6, suburban residential district (large lot).
12. R-7, intermediate rural residential district.
13. R-8, rural residential district (large lot).
14. R-9, rural residential district.
15. R-10, residential alpine/slope district.
16. R-11, Turnagain Arm district.
17. D-2, residential development district.
18. D-3, residential development district.
19. R-O, residential office district.
20. B-1A, local and neighborhood business district.
21. B-1B, community business district.
22. B-2A, central business district core.
23. B-2B, central business district intermediate.
24. B-2C, central business district periphery.
25. B-3, general business district.
26. B-4, rural business district.
27. I-1, light industrial district.
28. I-2, heavy industrial district.
29. I-3, rural industrial district.
30. W, watershed district.
31. T, transition district.
32. PC, planned community district.
33. AF, antenna farm district.
34. MC, marine commercial district.
35. MI, marine industrial district.
36. gR-1 (Alyeska Highway Mixed Residential) District.
37. gR-2 (Single-Family/Two-Family Residential) District.
38. gR-2A (Single-Family/Two-Family Residential—Crow Creek Road) District.
39. gR-3 (Single-Family/Two-Family Residential) District.
40. gR-4 (Multiple-Family Residential) District.
41. gR-5 (Multiple-Family Residential) District.
42. gC-1 (Seward Highway/Alyeska Highway Commercial) District.
43. gC-2 (Girdwood Station/Seward Highway Commercial) District.
44. gC-3 (Old Townsite Commercial/Residential) District.
45. gC-4 (Lower Alyeska Highway Commercial) District.
46. gC-5 (New Townsite South Commercial) District.
47. gC-6 (Crow Creek Road Commercial/Residential) District.

48. gC-7 (Townsite Square Commercial) District.
49. gC-8 (New Townsite North Commercial) District.
50. gC-9 (East Hightower Commercial/Residential) District.
51. gC-10 (Upper Alyeska Highway Commercial) District.
52. gI-1 (Ruane Road Industrial) District.
53. gI-2 (Upper Crow Creek Industrial) District.
54. GRST-1 (Original Mountain Base Resort) District.
55. GRST-2 (New Base Resort) District.
56. GA (Girdwood Airport) District.
57. GOS (Girdwood Open Space) District.
58. GIP (Girdwood Institutions and Parks) District.
59. GCR-1 Commercial Recreation (Golf Course/Nordic Ski Course) District.
60. GCR-2 Commercial Recreation (Glacier—Winner Creek) District.
61. GCR-3 Commercial Recreation (Crow Creek Historic Mine) District.
62. GDR Development Reserve District.
63. GRR (Recreation Reserve) District.
64. GW (Girdwood Watershed) District.

*C. Interpretation of district boundaries.* The following rules for interpretation of use district boundaries on the zoning map shall apply:

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

*D. Amendments to zoning map.* Amendments to the district boundaries approved in accordance with this title or other elements portrayed on the

official zoning map shall be depicted on the zoning map within 30 days after the amendment becomes effective.

*E. Official zoning map.* The official zoning map shall be located in the office of the municipal department of community planning and development, and it shall be the final authority as to the current zoning status of lands, water areas, buildings and other structures in the municipality.

*F. Procedure for recording change on zoning map.*

1. For an official zoning map which is maintained by manual drafting methods:
  - a. The territory affected by the map amendment shall be shown on the appropriate map page with a serial number, and entry shall be made in a tabular column recording the number of the amendment, the ordinance number, and the signature of the municipal clerk attesting the recording of the change.
  - b. The assembly may by ordinance adopt a new zoning map when an official zoning map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of the changes and additions. 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 map. Such new zoning map shall be marked "This zoning map adopted by ordinance of the assembly on   date   superseded the zoning map adopted   date  ," which statement shall be signed by the chair of the assembly and attested by the municipal clerk. Unless the prior zoning map is lost or has been entirely destroyed, the map or its significant parts thereof remaining after partial destruction shall be preserved, together with all records of the assembly regarding its adoption and amendment.

2. For an official zoning map which is maintained by computer drafting methods:
- a. The data base for the territory affected by the map amendment shall be revised as specified in the amending ordinance and identified with a serial number recording the number of the amendment, the ordinance number, the date of adoption, the ordinance effective date, the date the data entry, and the operator identification.
  - b. A substitute map page shall be machine drafted which depicts the amendment and the pertinent information on the amendment. The map page shall have a border graphic which identifies the map page as a substitute and a reference to the serial number of the map page being replaced.
  - c. The director of the department of community planning and development shall sign the substitute map page, noting the revision of the data base, and the municipal clerk shall sign the substitute map page attesting to the recording of the change. The substitute map page shall then replace the corresponding map page in the official zoning map.
  - d. The replaced map page shall have the border graphic trimmed from the map page and the map page shall be retained for a minimum of one year. At the end of the retention period the map page shall be microfilmed and the original destroyed. The microfilm copy of the map page shall be maintained by the department of community planning and development.
  - e. A map page that is damaged, destroyed, lost or difficult to interpret may be replaced in accordance with the procedure set forth in subsections a through d of this subsection. (GAAB 21.05.040; AO No. 79-13; AO No. 80-84; AO No. 81-97; AO No. 82-49; AO No. 82-162; AO

No. 83-52; AO No. 84-14; AO No. 84-63; AO No. 85-18; AO No. 85-23; AO No. 85-173, 3-17-86; AO No. 91-90(S); AO No. 92-144; AO No. 2005-81(S), § 2, 11-1-05)

#### **21.40.015 Effect of use district regulations.**

A. A structure, or use of land or a structure, that is not listed as a permitted use, accessory use or a conditional use in a use district is prohibited in that use district, unless permitted by regulation under this subsection. A structure, or use of land or a structure, is permitted in a use district if the zoning board of examiners and appeals, by regulation promulgated under chapter 3.40, determines that the structure, or use of land or a structure, is similar in character to a permitted use in that use district. The zoning board of examiners and appeals shall base its decision on the following criteria:

1. The structure, or use of land or a structure, shall be consistent with the statement of intent for the use district.
2. The structure, or use of land or a structure, shall be compatible with the uses listed in this chapter as permitted uses in the district.
3. The structure, or use of land or a structure, shall have no negative impact on the following items greater than that from uses listed in this chapter as permitted uses in the district:
  - a. Vehicle trip generation, traffic safety and parking.
  - b. Demand for public services and facilities.
  - c. Noise, fumes, dust or other environmental pollution.
  - d. The maintenance of logical and efficient development patterns and land use mixtures.
4. The structure, or use of land or a structure, shall not be prohibited under subsection B or C of this section.



B. A structure, or use of land or a structure, that is not listed as a permitted use, an accessory use or a conditional use in one use district, but is so listed in another, is prohibited in the former use district.

C. No part of a yard, open space, or off-street parking or loading space that is required under this title to serve a particular structure or use of land or a structure may be used to meet a yard, open space or off-street parking or loading space requirement under this title for another structure, or use of land or a structure.  
(GAAB 21.05.030; AO No. 85-23)

**21.40.020 PLI public lands and institutions district.**

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

- A. *Intent.* The PLI district is intended to include areas of significant public open space, major public and quasi-public institutional uses and activities and land reserves for which a specific use or activity is not yet identified.
- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:
1. Parks, parkways and greenbelts, land reserves, open space and related facilities.
  2. Public recreation facilities, including public golf courses, playgrounds, playfields, public recreation centers, public equestrian arenas and the like.
  3. Zoos, museums, libraries, historic and cultural exhibits, and the like.
  4. Educational institutions, including public, private or parochial academic schools, colleges and universities.
  5. Cemeteries, subject to the standards set forth in section 21.50.140. Human remains, other than cremated remains, may not be buried, en-

tombed or interred, above or below ground, except in an approved cemetery.

6. Police and fire stations.
7. Convents, monasteries and administrative offices of religious organizations.
8. Headquarters and administrative offices of charitable and similar quasi-public organizations of a noncommercial nature.
9. Governmental office buildings.
10. Placer mining operations subject to a wastewater discharge permit issued by the state department of environmental conservation.
11. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
12. Child care centers and child care homes.
13. Ski towers and loading/offloading facilities.
14. Public greenhouses and nurseries.
15. Housing for the elderly.
16. Social service facility.
17. Antennas without tower structures, type 1, 2, 3, community interest and local interest towers and type 4 tower structures as specified in the supplementary district regulations.
18. Temporary licensed commercial uses and associated temporary structures, for not more than 90 days total duration within a 12-month period. The temporary use may be in operation 90 continuous days or any combina-

tion of days in intermittent operation, as long as the 90-day total is not exceeded within the 12-month period. The use of construction trailers on an active construction project is exempt from this subsection.

19. Adult care facilities with 16 or more persons.
  20. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
  21. Public health and safety laboratory.
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
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.
  3. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership;
    - b. Oriented with entrances facing away from adjacent property;
    - c. Placed at least eight feet above ground level; or

- d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.

4. Antennas without tower structures, type 1, 2, 3, community interest and local interest towers and type 4 tower structures as specified in the supplementary district regulations.
  5. Large domestic animal facilities on sites 40,000 square feet or larger, subject to supplementary district standards.
  6. One free-standing small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
  7. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
1. Natural resource extraction, except for placer mining operations, on tracts of not less than five acres.
  2. Community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  3. Commercial recreational uses, including commercial and residential uses associated with such commercial recreation uses, for a period of time to be determined by the planning and zoning commission.
  4. Vocational schools, trade schools, manual training centers and the like.

5. Correctional institutions, reformatories and the like.
6. Habilitative care facilities.
7. Governmental service shops, maintenance and repair centers and equipment storage yards.
8. Off-street parking spaces or structures.
9. Landfills, including areas for the disposal of building and organic material, solid waste processing and transfer facilities, and incinerator facilities.
10. Animal control shelters.
11. Heliports, airstrips and airports, and uses directly related to or within the area occupied by such facilities.
12. Utility and transportation facilities.
13. Large domestic animal facilities in excess of the standards established in 21.45.350C.
14. Motorized sports facilities.
15. Snow disposal sites.
16. Health care facilities with 16 or more persons and health services.
17. Homeless and transient shelters.
18. Correctional community residential centers.
19. Dormitories.
20. Large residential care facilities.
21. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
22. Hotels. When located on the campus of, and associated with, an educational program of an accredited college/university offering undergraduate and postgraduate degrees, or on the campus of a "general acute-care" hospital, as defined in 7 AAC 12.105(a).
  - a. When associated with the college/university, hotel uses shall demonstrate to the approving authority at the time of conditional use application that the hotel use is intended to have a permanent and significant programmatic affiliation with an academic use.
  - b. When associated with a hospital, hotel uses shall demonstrate to the approving authority at the time of application that the hotel use is specifically designed for and situated in proximity to the hospital for the use by hospital patrons and their families.
  - c. If the college/university or hospital is included in an overlay district, a master development plan, or similar management plan, the hotel shall be subject to the same development standards and design criteria contained in the plan or overlay district.
23. Shooting range, outdoor.
24. Public safety facility.
25. Severe alcohol dependent housing.
26. Two or three free-standing small wind energy conversion systems, subject to the requirements of section 21.50.470.

27. Utility wind energy conversion systems, subject to the requirements of section 21.50.480.
- E. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Lot width: 100 feet.
  2. Lot area: 15,000 square feet.
- F. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: A minimum of 25 feet or not less than the front yard of the abutting use district, whichever is the greater when the abutting district is PLI or residential, otherwise equal to the minimum front yard requirement in the district abutting the front yard.
  2. Side yard:
    - a. A minimum of 25 feet or not less than the side yard of the abutting use district, whichever is the greater when the abutting district is PLI or residential, otherwise equal to the minimum side yard requirement in the district abutting the side yard.
    - b. A side yard may be reduced or abated provided the properties sharing the common side lot line where the reduction or abatement occurs are zoned PLI and under the same ownership. The common ownership shall be maintained as long as the reduced or abated side yard exists, and documented with a recorded property ownership transfer restriction. The document to be recorded shall be approved by the administrative official as to form and content, and serve as constructive notice to subsequent purchasers and mortgagees the affected properties are inseparable.
- c. Any two lots under common ownership sharing a side yard lot line may reduce or abate the side yard setback at an interior lot line. The setback reduction on the first lot may be added to the setback required on the second lot, unless an approved master plan establishes a different distance.
  - d. In lieu of subsection c. above, prior to the issuance of a complete building permit related to the conditional use the applicant shall submit a master plan for development of its lands. The master plan shall be submitted to the planning and zoning commission for a public hearing and transmission to the assembly for review and approval.
  - e. Subject to the approval of the fire department, the buildings on both lots may be placed at the interior lot line.
3. Rear yard:
- a. A minimum of 30 feet or not less than the rear yard of the abutting use district, whichever is the greater when the abutting district is PLI or residential, otherwise equal to the minimum rear yard requirement in the district abutting the rear yard.
  - b. A rear yard may be reduced or abated provided the properties sharing the common rear lot line where the reduction or abatement occurs are zoned PLI and under the same ownership. The common ownership shall be maintained as long as the reduced or abated rear yard exists, and documented with a recorded property ownership transfer restriction. The document to be recorded shall be

approved by the administrative official as to form and content, and serve as constructive notice to subsequent purchasers and mortgagees the affected properties are inseparable.

- c. Any two lots under common ownership sharing a rear yard lot line may reduce or abate the rear yard setback at an interior lot line. The setback reduction on the first lot may be added to the setback required on the second lot, unless an approved master plan establishes a different distance.
- d. Subject to the approval of the fire department, the buildings on both lots may be placed at the interior lot line.

G. *Maximum lot coverage by all buildings.* Maximum coverage by all buildings is as follows:

<i>Lot Size (Acre)</i>	<i>Maximum Lot Coverage</i>
1. Up to 1 acre	30%
2. 1 acre—5 acres	35%
3. 5 acre—25 acres	40%
4. Greater than 25 acres	45%

H. *Maximum height of structures.* Maximum height of structures is unrestricted except as follows:

- 1. Where buildings exceed 35 feet in height adjacent to a residential use or district, the minimum yard requirement established by subsection F of this section shall be increased one foot for each 1.5 feet in height exceeding 35 feet. This provision shall only apply to the yard adjacent to the residential use district. More restrictive height limits may be imposed by the planning and zoning commission for uses under subsections B and D of this section.
- 2. Structures shall not interfere with Federal Aviation Administration regulations on airport approaches.

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

J. *Parking.*

- 1. Adequate off-street parking shall be provided in connection with any permitted use, and shall conform to the minimum requirements set forth in section 21.45.080. The number of required parking spaces shall be that specified in section 21.45.080 unless it is demonstrated to the administrative official and the traffic engineer that the patrons and employees of the land use will generate a lower-parking demand than anticipated by the supplementary district regulations. The burden of proof and demonstration of the lower parking demand lie with the property owner. Information that could demonstrate the lower-parking demand may include mass transit routing, carpooling, 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, pertaining to minimum off-street parking requirements, may be granted by the administrative official in this use district upon the recommendation of the traffic engineer. Any change in the land use to which the variance was granted shall automatically terminate the variance granted by the administrative official. Any variances granted shall be executed by the recording of a standard parking agreement.

- 2. Parking lots and structures in PLI may be located anywhere within a campus provided the institutional uses and required parking are included in a master plan approved by the institution(s) and the municipality for the unified campus develop-

ment. The number of parking spaces shall meet the requirements of section 21.45.080, or a variance shall be obtained per sections 21.40.020J. and 21.45.080A.4.

- K. *Loading area.* Adequate off-street loading area shall be provided in connection with any permitted use, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.
- M. *Refuse collection and outside storage screening.* Refuse collection facilities shall be screened on at least three sides either by a wall, a fence or landscaping in accordance with the supplementary district regulations. Outside storage shall be visually screened from the street and adjacent properties by a fence, wall, landscaping or earthen berm.
- N. The procedures stated in section 21.15.015 shall be followed for all permitted uses allowed by this section, regardless of their nature.

(GAAB 21.05.050.A; AO No. 77-355; AO No. 79-25; AO No. 81-67(S); AO No. 81-178(S); AO No. 82-24; AO No. 83-78; AO No. 84-34; AO No. 85-18; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 86-90; AO No. 88-7(S), 7-4-88; AO No. 90-152(S); AO No. 92-93; AO No. 93-148, § 3, 11-16-93; AO No. 95-68(S-1), § 4, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 99-62, § 3, 5-11-99; AO No. 99-131, § 6, 10-26-99; AO No. 99-149, § 1, 12-14-99; AO No. 2002-109, § 3, 9-12-02; AO No. 2003-132, § 2, 10-7-03; AO No. 2005-9, § 2, 3-1-05; AO No. 2005-42(S), § 1, 5-31-05; AO No. 2005-150(S-1), § 2, 2-28-06; AO No. 2005-185(S), § 2, 2-28-06; AO No. 2005-124(S-1A), § 5, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-

141(S), § 1, 12-11-07; AO No. 2008-80, § 2, 9-16-08; AO No. 2009-22, § 2, 4-14-09; AO No. 2010-3, § 2, 3-23-10; AO No. 2010-50(S), § 2, 8-31-10)

**Cross references**—Zoning map; districts designated, § 21.40.010.A.1.

### **21.40.030 R-1 and 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. *Intent.* 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, noncommercial 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.* Permitted principal uses and structures are as follows:
  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 school shall be directly from a street of class I or greater designation upon the official streets and highways plan.
  4. Parks, playgrounds and playfields, and municipal buildings and uses in keeping with the character and requirements of the district.
  5. Public branch libraries.
  6. Small residential care facilities with up to five residents and small residential care facilities with up to eight

- residents if approved as a reasonable accommodation under section 21.15.013.
7. Adult care facilities with one through eight persons.
  8. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses, which shall be permitted only if they are otherwise allowed in accordance with this title. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  9. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  10. Child care homes.
  11. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.*  
Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and 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 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. 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.
  6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
  7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.

- 9. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- 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. Residential planned unit developments.
  - 7. Natural resource extraction on tracts of not less than five acres.
  - 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. Habilitative care facilities.
  - 10. Child care centers.
  - 11. Adult care facilities with nine or more person.
  - 12. Large residential care facilities.
  - 13. Bed and breakfast with five guestrooms.
  - 14. Snow disposal site.
  - 15. Community interest and local interest towers that do not meet the supplementary district regulations.

- 16. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures and prohibited:

- 1. Storage or use of mobile homes or quonset huts.
- 2. 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, radiation, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

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



2. In a cluster housing development conforming to section 21.50.210, all lots not part of the common area shall have a minimum area and width in accordance with that section.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front yard: 20 feet.
2. Side yard: Five feet.
3. Rear yard: Ten feet.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under section 21.50.210 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 30 feet in height. Accessory garages and carports which are not an integral part of a principal structure shall not exceed a maximum of 20 feet in height. All other 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

(GAAB 21.05.050.B; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 83-216; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 98-53(S), § 1, 6-9-98; AO No. 99-49, § 1, 3-23-99; AO No. 99-62, § 4, 5-11-99; AO No. 2002-109, § 3, 9-10-02; AO No. 2005-175, § 1, 1-10-06; AO No. 2005-178, § 2, 1-24-06; AO No. 2005-

185(S), § 3, 2-28-06; AO No. 2005-124(S-1A), § 6, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 4, 8-31-10)

**21.40.040 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-2A and R-2D districts:

A. *Intent.* The R-2A and R-2D use districts are intended as low-density urban and suburban two-family residential areas. The 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 districts or are permissible as conditional uses subject to restrictions intended to preserve and protect their residential character.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

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. Public, private and parochial academic elementary schools.
4. 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.
5. Parks, playgrounds and playfields, and municipal buildings and uses in keeping with the character and requirements of the district.
6. Public branch libraries.
7. Child care homes.

8. Adult care facilities with one through eight persons.
  9. Small residential care facilities with up to five residents and small residential care facilities with up to eight residents if approved as a reasonable accommodation under section 21.15.013.
  10. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  11. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  12. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and 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. 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.
  6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
  7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.
  9. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.

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. Hospitals and nursing facilities with one through 16 clients.
5. Art schools, music schools, dancing schools and the like.
6. Residential planned unit developments.
7. Natural resource extraction on tracts of not less than five acres.
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. Habilitative care facilities.
10. Child care centers.
11. Adult care facilities with nine or more persons.
12. Large residential care facilities.
13. Bed and breakfast with five guestrooms.
14. Snow disposal sites.
15. Community interest and local interest towers that do not meet the supplementary district regulations.
16. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other

public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Storage or use of mobile homes or quonset huts, except as permitted by conditional use.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

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

2. In a cluster housing development conforming to section 21.50.210, all lots not part of the common area shall have a minimum area and width in accordance with that section.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front yard: 20 feet.
2. Side yard: Five feet.
3. Rear yard: Ten feet.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 40 percent, provided that a cluster housing development under section 21.50.210 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 structure shall exceed 30 feet in height. Accessory garages and carports which are not an integral part of a principal structure shall not exceed a maximum height of five feet less than the maximum permitted height of the principal structure. All other 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.C; AO No. 77-355; AO No. 79-13; AO No. 80-27; AO No. 80-42; AO No. 81-67(S); AO No. 82-54; AO No. 83-217; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 85-163; AO No. 86-19; AO No. 86-78; AO No.

86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 98-53(S), § 2, 6-9-98; AO No. 99-49, § 2, 3-23-99; AO No. 99-62, § 5, 5-11-99; AO No. 2005-175, § 2, 1-10-06; AO No. 2005-178, § 3, 1-24-06; AO No. 2005-185(S), § 4, 2-28-06; AO No. 2005-124(S-1A), § 7, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 4, 8-31-10)

#### **21.40.045 R-2M multiple-family residential district.**

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

A. *Intent.* The R-2M use district is intended to be a medium-density urban and suburban multiple-family residential district, allowing up to eight dwelling units per acre on 20,000-square-foot lots in the R-2M district. Structures and uses required to serve governmental, educational, religious, noncommercial, recreational and other needs of such areas are permitted in this district or are permissible as conditional uses subject to restrictions intended to preserve and protect its residential character.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Single-family dwellings. More than one principal structure may be allowed on any lot or tract with an area of at least one acre; otherwise, only a single principal structure may be allowed on any lot or tract.
2. Two-family dwellings. More than one principal structure may be allowed on any lot or tract with an area of at least one acre; otherwise, only a single principal structure may be allowed on any lot or tract.
3. Multiple-family dwellings containing up to eight dwelling units. More than one principal structure may be allowed on any lot or tract with an area of at least one acre; otherwise, 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 and playfields, and municipal buildings and uses in keeping with the character and requirements of the district.
  7. Public branch libraries.
  8. Child care homes.
  9. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  10. Adult care facilities with one through eight persons.
  11. Residential care facilities, any size.
  12. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  13. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  14. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and 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. 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.
  6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or

- d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.

- 7. Bed and breakfast with three or less guestrooms.
  - 8. Bed and breakfast with four guestrooms only by administrative site plan review.
  - 9. One small wind energy conversion system on lots with only one principal structure, by administrative site plan review and subject to the requirements of section 21.45.410.
- 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. Hospitals and nursing facilities with one through 16 persons.
  - 5. Art schools, music schools, dancing schools and the like.
  - 6. Residential planned unit developments.
  - 7. Natural resource extraction on tracts of not less than five acres.
  - 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. Mobile home parks on sites of at least two acres.

- 10. Habilitative care facilities.
- 11. Bed and breakfast with five guestrooms.
- 12. Roominghouses.
- 13. Snow disposal sites.
- 14. Community interest and local interest towers that do not meet the supplementary district regulations.
- 15. Adult care facilities with nine or more persons.
- 16. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

- 1. Storage or use of mobile homes or quonset huts, except as permitted by conditional use.
- 2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of opera-

tion, or to a degree injurious to the public health, safety, welfare or convenience.

square feet of usable yard per dwelling unit. No dimension of the usable yard shall be less than ten feet.

F. *Minimum lot requirements.*

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

Use	Lot Area (square feet)	Lot Width (feet)
a. Single-family dwelling	6,000	50
b. Two-family dwelling	6,000	50
c. For more than two dwelling units, a lot shall have the following minimum area:		

Number of Dwelling Units	Minimum Lot Area (square feet)
3	8,500
4	11,000
5	13,500
6	16,000
7	18,000
8	20,000

More than one principal structure may be allowed on any lot or tract with an area of at least one acre, provided the number of dwelling units divided by lot area does not exceed the maximum standard set forth in the table in subsection F.1.c of this section; otherwise, only a single principal structure may be allowed on any lot or tract.

2. In a cluster housing development conforming to section 21.50.210, all lots not part of the common area shall have a minimum area and width in accordance with that section.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front yard: 20 feet.
2. Side yard: Five feet.
3. Rear yard: Ten feet.
4. On lots in the R-2M district containing more than three dwelling units, there shall be a minimum of 400

- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 40 percent, provided that a cluster housing development under section 21.50.210 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 structure shall exceed 30 feet in height. Accessory garages and carports which are not an integral part of the principal structure shall not exceed a maximum height of five feet less than the maximum permitted height of the principal structure. All other 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

- M. *Landscaping.* On lots in the R-2M district containing more than three dwelling units, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.C; AO No. 77-355; AO No. 79-13; AO No. 80-27; AO No. 80-42; AO No. 81-67(S); AO No. 82-54; AO No. 83-217; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 85-163; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 98-53(S), § 3,

6-9-98; AO No. 99-49, § 3, 3-23-99; AO No. 99-62, § 6, 5-11-99; AO No. 2005-175, § 3, 1-10-06; AO No. 2005-178, § 4, 1-24-06; AO No. 2005-185(S), § 5, 2-28-06; AO No. 2005-124(S-1A), § 8, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 5, 8-31-10)

**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. *Intent.* 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, noncommercial 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.* Permitted principal uses and structures are as follows:

1. Single-family dwellings. More than one principal structure may be allowed on any lot or tract.
2. Two-family dwellings. More than one principal structure may be allowed on any lot or tract.
3. Multiple-family dwellings. More than one 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 and playfields, and municipal buildings and uses in keeping with the character and requirements of the district.

7. Public branch libraries.
8. Child care homes.
9. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
10. Adult care facilities with one through eight persons.
11. Residential care facilities, any size.
12. Transitional living facilities.
13. Roominghouses.
14. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions, but excluding day care uses. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
15. With a permitted non-residential use or residential use of six dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
16. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Home occupations, subject to provisions of the supplementary district regulations.



2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and 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. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
  - a. At least 25 feet from any lot line not in common ownership; or
  - b. Oriented with entrances facing away from adjacent property; or
  - c. Placed at least eight feet above ground level; or
  - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
6. Bed and breakfast with three or less guestrooms.
7. Bed and breakfast with four guestrooms only by administrative site plan review.
8. One small wind energy conversion system on lots with only one principal structure, by administrative site plan review and subject to the requirements of section 21.45.410.

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

1. Hospitals and nursing facilities.
2. Utilities substations.
3. Mobile home parks on sites of at least two acres.
4. Off-street parking spaces or structures.
5. Museums, historical and cultural exhibits, aquariums and the like.
6. Camper parks.
7. Convenience establishments.
8. Private clubs and lodges. Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by conditional use only.
9. Planned unit developments.
10. Natural resource extraction on tracts of not less than five acres.
11. 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.
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. Habilitative care facilities.
14. Snow disposal sites.
15. Social service facility with maximum usable area of 3,000 square feet.
16. Community interest and local interest towers that do not meet the supplementary district regulations.

- 17. Adult care facilities with nine or more persons.
- 18. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

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

- 2. In a cluster housing development conforming to section 21.50.210, a lot that is not part of the common area shall have a minimum area and width in accordance with that section.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

- 1. Storage or use of mobile homes except as provided in this section.
- 2. Quonset huts.
- 3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

Use	Front Yard* (feet)	Side Yard (feet)	Rear Yard (feet)	Usable Yard (per dwelling unit)
Single-family	20	5	10	N/A
Two-family	20	5	10	N/A
Three- and four-family	20	10	20	400 square feet
Five or more families	20	10	20	400 square feet

No dimension of the usable yard shall be less than ten feet.

\*See supplementary district regulations for additional setback requirements.

- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 40 percent, provided that a cluster housing development under section 21.50.210 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 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.D; AO No. 77-355; AO No. 80-27; AO No. 80-42; AO No. 81-67(S); AO No. 82-54; AO No. 83-218; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 85-163; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 7, 5-11-99; AO No. 2005-175, § 4, 1-10-06; AO No. 2005-178, § 5, 1-24-06; AO No. 2005-185(S), § 6, 2-28-06; AO No. 2005-124(S-1A), § 9, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2009-22, § 3, 4-14-09; AO No. 2010-50(S), § 6, 8-31-10)

#### **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. *Intent.* 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, noncommercial 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.* Permitted principal uses and structures are as follows:
1. Single-family dwellings. More than one principal structure may be allowed on any lot or tract.

2. Two-family dwellings. More than one principal structure may be allowed on any lot or tract.
3. Multiple-family dwellings. More than one principal structure may be allowed on any lot or tract.
4. Hotels, motels and motor lodges on sites with a minimum area of 14,000 square feet, 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. Any use involving sale or dispensing or service of alcoholic beverages may be permitted in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
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, and municipal buildings and uses in keeping with the character and requirements of the district.
8. Public branch libraries.
9. Child care homes.
10. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
11. Adult care facilities with one through eight persons.
12. Residential care facilities, any size.

13. Transitional living facilities.
14. Roominghouses.
15. Private clubs and lodges. Any use involving sale or dispensing or service of alcoholic beverages may be permitted by conditional use only.
16. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
17. With a permitted non-residential use or residential use of six dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
18. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.*  
Permitted accessory uses and structures are as follows:

1. Home occupations, subject to provisions of the supplementary district regulations.
2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and private barbecue pits.
3. Private garages.
4. Private storage in yards of noncommercial equipment, including non-commercial 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. For hotels, motels or motor lodges having 20 or more rental units, personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.
6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
  - a. At least 25 feet from any lot line not in common ownership; or
  - b. Oriented with entrances facing away from adjacent property; or
  - c. Placed at least eight feet above ground level; or
  - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.

7. Bed and breakfast with three or less guestrooms.
8. Bed and breakfast with four guestrooms only by administrative site plan review.
9. One free-standing small wind energy conversion system on lots with only one principal structure, by ad-

- ministrative site plan review and subject to the requirements of section 21.45.410.
10. Building-mounted small wind energy conversion systems on lots with only one principal structure, by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
1. Townhouses and row houses built to a common wall at side lot lines.
  2. Hospitals and nursing facilities.
  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. Planned unit developments.
  10. Gasoline service stations.
  11. 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.
  12. Habilitative care facilities.
  13. Snow disposal sites.
  14. Social service facility with maximum usable area of 3,000 square feet.
  15. Community interest and local interest towers that do not meet the supplementary district regulations.
  16. Adult care facilities with nine or more persons.
  17. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Storage or use of mobile homes except as provided in this section.
  2. Quonset huts.
  3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 below, a lot shall have the following minimum area and width:

Use	Lot Area (square feet)	Lot Width (feet)
a. Single-family dwelling	6,000	50
b. Two-family dwelling	6,000	50
c. Three- through six-family dwelling	6,000	50
d. Seven-family dwelling	8,500	75
e. Eight-family dwelling	9,250	75
f. Nine-family dwelling	10,000	75
g. Ten-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. For purposes of this subsection, 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. One hundred percent (100%) of any area completely below grade and used exclusively for required vehicle parking and loading, shall not be included in determining floor area ratio. (A floor area ratio of 2.0 provides for 23,000 gross square feet of building area on a lot with an area of 11,500 square feet.)		

2. In a cluster housing development conforming to section 21.50.210, 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.* Minimum yard requirements are as follows:

1. Front yard: Ten feet, except as provided in the supplementary district regulations.
2. Side yard: Five 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.
3. Rear yard: Ten feet.
4. Multiple-family dwellings shall provide a usable yard area of 100 square feet per dwelling unit.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 50 percent, provided that a cluster housing development under section 21.50.210 shall conform to the maximum lot coverage requirements for that section.

I. *Maximum height of structures.* Maximum height of structures is 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the supplementary district regulations.

M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.E; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 8, 5-11-99; AO No. 2003-124(S), § 2, 1-20-04; AO No. 2005-175, § 5, 1-10-06; AO No. 2005-178, § 6, 1-24-06; AO No. 2005-185(S), § 7, 2-28-06; AO No. 2005-124(S-1A), § 10, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2009-18, § 1, 2-24-09; AO No. 2009-22, § 4, 4-14-09; AO No. 2010-50(S), § 7, 8-31-10)

**21.40.070 R-5 rural residential district; R-5A, rural residential district (large lot).**

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

A. *Intent.* 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 develop-

ment while at the same time retaining a low population density. The R-5A district is designed to protect and encourage the rural lifestyle by maintaining areas with large lots and low population densities.

B. *Permitted principal uses and structures.*  
Permitted principal uses and structures are as follows:

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. By permit from the administrative official, a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than eighteen (18) months in the R-5A (large lot) district while a permanent dwelling is being constructed or repaired.

a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling in the R-5A district shall secure a permit from the administrative official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under subsection 21.40.070B.1.a. shall not be renewed and only one permit under subsection 21.40.070B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:

i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray wa-

ter discharge, except through an approved septic system; and

- ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
- iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
- iv. Proof of a current building permit or land use permit is attached; and
- v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.

b. If a permanent dwelling in the R5-A district is damaged by fire, earthquake or other natural cause to the extent it is uninhabitable, a permit may be issued for occupancy of a motor home or other recreational vehicle with a fully operable self-contained sanitation system, during the period of rehabilitation or repair, not to exceed 18 months. A permit issued under subsection 21.40.070B.1.b. shall not be renewed. The permit may be granted only upon the applicant's written certification, with attachments, that:

- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
- ii. Site access is sufficient and shall be used to transport

- refuse and excess waste year-around for proper off-site disposal; and
      - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
      - iv. Proof of a current building permit or land use permit is attached; and
      - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
    - c. Only one motor home or other recreational vehicle shall be permitted for use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
  - 2. Public and private elementary and secondary academic or vocation schools, or trade schools.
  - 3. Parks, playgrounds, playfields, and 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. Child care homes.
  - 9. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  - 10. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - 11. With a permitted non-residential use or residential use of six dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  - 12. Adult care facilities with one through eight persons.
  - 13. Residential care facilities, any size.
  - 14. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
- 1. Home occupations, subject to provisions of the supplementary district regulations.
  - 2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).

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. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
  7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.
  9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards.
  10. Fewer than four large domestic animals, subject to conformity with the requirements of titles 15, 17 and 21.
  11. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- 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 developments.
  4. Convenience establishments in the R-5 district only.
  5. Natural resource extraction.
  6. Mobile home park on a site of at least two acres.
  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. Habilitative care facilities.
  9. Bed and breakfast with five guestrooms.
  10. Roominghouses.
  11. Snow disposal sites.
  12. Community interest and local interest towers that do not meet the supplementary district regulations.

13. Off-street parking spaces or structures so long as the property is contiguous and abuts a commercially or industrially zoned property and the properties are not separated by a right-of-way or constructed street.
14. Large domestic animal facilities in excess of the standards established in 21.45.350C.
15. Accessory structures for a large domestic animal facility in excess of the standards established in 21.45.360.
16. Adult care facilities with nine or more persons.
17. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Storage in connection with trade, service or manufacturing activities, unless the storage meets the exception in 21.45.150E for storage associated with a home occupation.
2. Junkyards.
3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located.

Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

	Use		Lot Area (square feet)	Lot Width (feet)
a.	Single-family dwellings or one mobile home	R-5	7,000	50
		R-5A	43,560	150
b.	Two-family dwellings	R-5	13,000	100
		R-5A	87,120	150
c.	Three-family dwellings	R-5	19,000	100
		R-5A	130,680	200
d.	Four-family dwellings	R-5	25,000	100
		R-5A	174,240	250
e.	Five- or more family dwellings	R-5	30,000, plus 5,000 square feet for each dwelling unit in excess of 5	150
		R-5A	217,800, plus 43,560 square feet for each dwelling unit in excess of 5	250

2. In a cluster housing development conforming to section 21.50.210, 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.* Minimum yard requirements are as follows:

	R-5 (feet)	R-5A (feet)
1. Front yard*	20	25
2. Side yard	5	10
3. Rear yard	10	20

\*See supplementary district regulations for additional setback requirements.

- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under section 21.50.210 shall conform to the maximum lot coverage requirements of that section.
- I. *Maximum height of structures.* Maximum height of structures is 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

(GAAB 21.05.050.F; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 83-52; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-62, § 9, 5-11-99; AO No. 2002-63(S), § 1, 5-21-02; AO No. 2005-175, § 6, 1-10-06; AO No. 2005-178, § 7, 1-24-06; AO No. 2005-185(S), § 8, 2-28-06; AO No. 2005-124(S-1A), § 11, 4-18-06; AO No. 2006-121, § 2, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 8, 8-31-10)

#### **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. *Intent.* 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.* Permitted principal uses and structures are as follows:

- 1. Single-family, two-family and multiple-family dwellings. By permit from the administrative official, a mobile home, or a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired. Only a single principal structure may be allowed on any lot or tract.

- a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit from the administrative official before a mobile home, or a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under subsection 21.40.080B.1.a. shall not be renewed and only one permit under subsection 21.40.080B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:

- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
- ii. Site access is sufficient and shall be used to transport

- refuse and excess waste year-around for proper off-site disposal; and
- iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- b. If a permanent dwelling 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, motor home or other recreational vehicle with a fully operable self-contained sanitation system, 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. A permit issued under subsection 21.40.080B.1.b. shall not be renewed. The permit may be granted only upon the applicant's written certification, with attachments, that:
- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- c. Only one mobile home, motor home or other recreational vehicle shall be permitted in use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
2. Public, private and parochial academic elementary and secondary schools.
  3. Parks, playgrounds, playfields, and 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. Child care homes.
  6. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  7. Adult care facilities with one through eight persons.
  8. Small residential care facilities.
  9. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons

while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.

10. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  11. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits and 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting

neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).

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. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
  - a. At least 25 feet from any lot line not in common ownership; or
  - b. Oriented with entrances facing away from adjacent property; or
  - c. Placed at least eight feet above ground level; or
  - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
7. Bed and breakfast with three or less guestrooms.
8. Bed and breakfast with four guestrooms only by administrative site plan review.
9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards.
10. Fewer than four large domestic animals, subject to conformity with the requirements of titles 15, 17 and 21.

11. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- 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 developments.
  4. Natural resource extraction for subdivision development only, on tracts of not less than five acres.
  5. 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.
  6. Habilitative care facilities.
  7. Bed and breakfast with five guestrooms.
  8. Roominghouses.
  9. Snow disposal sites.
  10. Commercial greenhouses.
  11. Community interest and local interest towers that do not meet the supplementary district regulations.
  12. Large domestic animal facilities in excess of the standards established in 21.45.350C.
  13. Accessory structures for a large domestic animal facility in excess of the standards established in 21.45.360.
  14. Large residential care facilities.
  15. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without

the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Storage in connection with trade, service or manufacturing activities, unless the storage meets the exception in 21.45.150E for storage associated with a home occupation.
  2. Quonset huts.
  3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

Use	Minimum Requirements*		
	Lot Area (square feet)**	Acres	Lot Width (feet)
a. Single-family	54,450	1¼	150
b. Two-family dwellings	108,900	2½	200
c. Three-family dwellings	163,350	3¾	250

Minimum Requirements*			
Use	Lot Area (square feet)**	Acres	Lot Width (feet)
d. Four-family dwellings	217,800	5	300
e. Five- or more families	261,360, plus 1 acre (43,560 square feet) for each dwelling unit in excess of 5	6	350

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

\*\*Individual lot square footage may vary up to one percent.

2. In a cluster housing development conforming to section 21.50.210, 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.* Minimum yard requirements are as follows:

1. Front yard: 50 feet. (See the supplementary district regulations for additional setback requirements.)
2. Side yard: 25 feet.
3. Rear yard: 50 feet.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under section 21.50.210 shall conform to the maximum lot coverage requirements of that section.

I. *Maximum height of structures.* Maximum height of structures is 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

(GAAB 21.05.050.G; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-18; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-27, § 1, 2-23-99; AO No. 99-62, § 10, 5-11-99; AO No. 2005-175, § 7, 1-10-06; AO No. 2005-178, § 8, 1-24-06; AO No. 2005-185(S), § 9, 2-28-06; AO No. 2005-124(S-1A), § 12, 4-18-06; AO No. 2006-121, § 3, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 9, 8-31-10)

**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. *Intent.* 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.* Permitted principal uses and structures are as follows:

1. Single-family, two-family and multiple-family dwellings. By permit from the administrative official, a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired. Only a single principal structure may be allowed on any lot or parcel.

- a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit

from the administrative official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under subsection 21.40.090B.1.a. shall not be renewed and only one permit under subsection 21.40.090B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:

- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- b. If a permanent dwelling is damaged by fire, earthquake or other natural cause to the extent it is uninhabitable, a permit may be issued for occupancy of a motor home or other recreational vehicle with a fully operable self-contained sanitation system, during the period of rehabilitation or repair, not to exceed 18

months. A permit issued under subsection 21.40.090B.1.b. shall not be renewed. The permit may be granted only upon the applicant's written certification, with attachments, that:

- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- c. Only one motor home or other recreational vehicle shall be permitted in use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
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. Child care homes.
  6. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  7. Adult care facilities with one through eight persons.
  8. Small residential care facilities.
  9. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  10. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  11. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, and 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
  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. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership;
    - b. Oriented with entrances facing away from adjacent property;
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.

7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.
  9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards.
  10. Fewer than four large domestic animals, subject to conformity with the requirements of Titles 15, 17 and 21.
  11. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- 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. Planned unit development.
  4. Natural resource extraction on tracts of not less than five acres.
  5. Commercial greenhouses and tree nurseries.
  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. Habilitative care facilities.
  8. Bed and breakfast with five guestrooms.
  9. Roominghouses.
  10. Snow disposal sites.
  11. Community interest and local interest towers that do not meet the supplementary district regulations.
  12. Large domestic animal facilities in excess of the standards established in 21.45.350C.
  13. Accessory structures for a large domestic animal facility in excess of the standards established in AMC 21.45.360.
  14. Large residential care facilities.
  15. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Storage in connection with trade, service or manufacturing activities, unless the storage meets the exception in 21.45.150E for storage associated with a home occupation.
  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, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited.

ited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

Use	Minimum Requirements	
	Lot Area (square feet)	Lot Width (feet)
Single-family dwelling	20,000, plus an additional 20,000 square feet for each dwelling unit in excess of 1	120

2. In a cluster housing development conforming to section 21.50.210, 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.* Minimum yard requirements are as follows:

1. Front yard: 25 feet. See supplementary district regulations for additional setback requirements.
2. Side yard: Ten feet.
3. Rear yard: 20 feet.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 30 percent, provided that a cluster housing development under section 21.50.210 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 35 feet in height.

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

(GAAB 21.05.050.H; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 83-219; AO No. 85-21; AO No. 85-28; AO No. 85-78; AO No. 85-23; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 99-62, § 11, 5-11-99; AO No. 2005-175, § 8, 1-10-06; AO No. 2005-178, § 9, 1-24-06; AO No. 2005-185(S), § 10, 2-28-06; AO No. 2005-124(S-1A), § 13, 4-18-06; AO No. 2006-121, § 4, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 10, 8-31-10)

**21.40.100 R-8 rural residential district (large lot).**

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

- A. *Intent.* 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, groundwater pollution and groundwater 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

groundwater 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 of this section, 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 of this section) 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.* Permitted principal uses and structures are as follows:

1. Single-family dwellings and duplexes. By permit from the administrative official, a mobile home, or a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired. Only a single principal structure may be allowed on any lot or tract.

a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit from the administrative official before a mobile home, or a motor home or other recreational vehicle is used on site as tem-

porary living quarters. A permit issued under subsection 21.40.100B.1.a. shall not be renewed and only one administrative permit under subsection 21.40.100B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:

- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- b. If a permanent dwelling 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, motor home or other recreational vehicle with a fully operable self-contained sanitation system, 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. A permit issued under subsection 21.40.100B.1.b. shall not be renewed. The administrative permit may be granted only upon the applicant's written certification, with attachments, that:

- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- c. Only one mobile home, motor home or other recreational vehicle shall be permitted in use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
2. Child care homes facilities with one through eight children.
3. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  4. Adult care facilities with one through eight persons.
  5. Small residential care facilities.
  6. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  7. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  8. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Home occupations, subject to provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits and 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
  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. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.
  7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.
  9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards.
  10. Fewer than four large domestic animals, subject to conformity with the requirements of titles 15, 17 and 21.
  11. Large domestic animal related businesses on lots larger than two acres, when the requirements of supplementary district regulation 21.45.350, subsections B through G are met.
  12. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- 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 five acres, respectively. Any contemplated development which includes more lots or units would be required to apply for approval as a planned unit development. Standards for this conditional use shall be as set forth in subsection A of this section, and, where applicable, as set forth in the standards for a residential planned unit development.
  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 pro-

No more than four hives shall be placed on lots smaller than 10,000 square feet.

professional offices which, for some reason, do not meet the definition of a home occupation, provided that such uses are operated by a person 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.

5. 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.
6. Bed and breakfast with five guestrooms.
7. Roominghouses.
8. Community interest and local interest towers that do not meet the supplementary district regulations.
9. Large domestic animal facilities in excess of the standards established in 21.45.350C.
10. Accessory structures for a large domestic animal facility in excess of the standards established in AMC 21.45.360.
11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with struc-

tures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Quonset huts.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

Use	Minimum Requirements*		Lot Width (feet)
	Square Feet	Acres	
a. Single-family dwelling	217,800	5.0	300
b. Duplexes	326,700	7.5	300

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

2. In a cluster housing development conforming to section 21.50.210, 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.* Minimum yard requirements are as follows:

1. Front yard: 25 feet.
2. Side yard: 15 feet.

3. Rear yard: 25 feet.

- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is five percent, provided that a cluster housing development under section 21.50.210 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 garages and carports which are not an integral part of the principal structure shall not exceed a maximum height of 30 feet. All other 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 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

(GAAB 21.05.050.U; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 98-53(S), § 4, 6-9-98; AO No. 99-62, § 12, 5-11-99; AO No. 2005-175, § 9, 1-10-06; AO No. 2005-178, § 10, 1-24-06; AO No. 2005-185(S), § 11, 2-28-06; AO No. 2005-124(S-1A), § 14, 4-18-06; AO No. 2006-121, § 5, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 11, 8-31-10)

#### 21.40.110 R-9 rural residential district.

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

- A. *Intent.* 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 lifestyle. 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 of this section, 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.* Permitted principal uses and structures are as follows:
  1. Single-family dwellings and duplexes. By permit from the administrative official, a mobile home, or a motor home or other recreational vehicle with a fully operable self-contained



sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired. Only a single principal structure may be allowed on any lot or tract.

- a. The owner of the property or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit from the administrative official before a mobile home, or a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under subsection 21.40.110B.1.a. shall not be renewed and only one administrative permit under subsection 21.40.110B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:
  - i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- b. If a permanent dwelling 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, motor home or other recreational vehicle with a fully operable self-contained sanitation system, 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. A permit issued under subsection 21.40.110B.1.b. shall not be renewed. The administrative permit may be granted only upon the applicant's written certification, with attachments, that:
  - i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.

- c. Only one mobile home, motor home or other recreational vehicle shall be permitted in use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
  - 2. Child care homes.
  - 3. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  - 4. Adult care facilities with 1 through 8 persons.
  - 5. Small residential care facilities.
  - 6. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - 7. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  - 8. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.*  
Permitted accessory uses and structures are as follows:
    - 1. Home occupations, subject to provisions of the supplementary district regulations.
    - 2. Noncommercial greenhouses, gardens, storage sheds, garden sheds and toolsheds, private barbecue pits and 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
    - 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. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
      - a. At least 25 feet from any lot line not in common ownership; or

- b. Oriented with entrances facing away from adjacent property; or
- c. Placed at least eight feet above ground level; or
- d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.

- 7. Bed and breakfast with three or less guestrooms.
  - 8. Bed and breakfast with four guestrooms only by administrative site plan review.
  - 9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards.
  - 10. Fewer than four large domestic animals, subject to conformity with the requirements of Titles 15, 17 and 21.
  - 11. Large domestic animal related businesses on lots larger than two acres, when the requirements of supplementary district regulation 21.45.350, subsections B through G are met.
  - 12. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- 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. Utilities substations.
  - 3. 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 pro-

fessional offices which, for some reason, do not meet the definition of a home occupation, provided that such uses are operated by a person 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.

- 4. Natural resource extraction for subdivision development, only on tracts of not less than five acres.
- 5. 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.
- 6. Bed and breakfast with five guestrooms.
- 7. Roominghouses.
- 8. Community interest and local interest towers that do not meet the supplementary district regulations.
- 9. Large domestic animal facilities in excess of the standards established in 21.45.350C.
- 10. Accessory structures for a large domestic animal facility in excess of the standards established in 21.45.360.
- 11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four

structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Quonset huts.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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 subsection 2 of this subsection, a lot shall have the following minimum area and width:

Use	Minimum Requirements*		
	Square Feet**	Acres	Lot Width (feet)
a. Single-family dwelling	108,900	2.50	180
b. Duplex	163,350	3.75	180

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

\*\*Individual lot square footage may vary up to one percent.

2. In a cluster housing development conforming to section 21.50.210, 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.* Minimum yard requirements are as follows:

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

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is five percent, provided that a cluster housing development under section 21.50.210 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 garages and carports which are not an integral part of a principal structure shall not exceed a maximum height of 30 feet. All other 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.

(GAAB 21.05.050.V; AO No. 77-355; AO No. 80-27; AO No. 81-67(S); AO No. 82-54; AO No. 85-21; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 98-53(S), § 5, 6-9-98; AO No. 99-62, § 13, 5-11-99; AO No. 2005-175, § 10, 1-10-06; AO No. 2005-178, § 11, 1-24-06; AO No. 2005-185(S), § 12, 2-28-06; AO No. 2005-124(S-1A), § 15, 4-18-06; AO No. 2006-121, § 6, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 12, 8-31-10)

**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. *Intent.* 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 ensure 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 property damage.
4. Promote the natural flow and storage capacity of any watercourse, 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 the surface runoff in compliance with section 208 of 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.* Permitted principal uses and structures are as follows:

1. Single-family dwellings. By permit from the administrative official, a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired. Only a single principal structure may be allowed on any lot or parcel.
  - a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit from the administrative official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under subsection 21.40.115B.1.a. shall not be renewed and only one permit under subsection 21.40.115B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:
    - i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and

- ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- b. If a permanent dwelling is damaged by fire, earthquake or other natural cause to the extent it is uninhabitable, a permit may be issued for occupancy of a motor home or other recreational vehicle with a fully operable self-contained sanitation system, during the period of rehabilitation or repair, not to exceed 18 months. A permit issued under subsection 21.40.115B.1.b. shall not be renewed. The permit may be granted only upon the applicant's written certification, with attachments, that:
- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- c. Only one motor home or other recreational vehicle shall be permitted for use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
2. Parks, playgrounds and playfields.
  3. Cluster housing in accordance with law.
  4. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  5. With a permitted non-residential use as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  6. Child care homes.
  7. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.

8. Adult care facilities with one through eight persons.
  9. Small residential care facilities.
  10. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Home occupations, subject to the provisions of the supplementary district regulations.
  2. Noncommercial greenhouses, gardens, storage sheds, garden sheds, toolsheds, private barbecue pits and 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
  5. 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 a distance of 25 feet from any property line.
  6. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
  7. Bed and breakfast with three or less guestrooms.
  8. Bed and breakfast with four guestrooms only by administrative site plan review.
  9. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, subject to supplementary district standards.
  10. Fewer than four large domestic animals, subject to conformity with the requirements of titles 15, 17 and 21.
  11. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
1. Utilities substations.

2. Planned unit developments.
3. Commercial recreation uses on sites of 20 acres or more.
4. Bed and breakfast with five guestrooms.
5. Community interest and local interest towers that do not meet the supplementary district regulations.
6. Large domestic animal facilities in excess of the standards established in 21.45.350C.
7. Accessory structures for a large domestic animal facility in excess of the standards established in 21.45.360.
8. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. Storage or use of mobile homes or quonset huts.
2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as

to 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. *Lot and site requirements.*

1. Lot requirements are as follows:

<i>Average Slope of Lot* (percent)</i>	<i>Minimum Requirements</i>			<i>Maximum All Buildings (percent)</i>	<i>Coverage Impervious Surfaces (percent)</i>	<i>Maximum Units Per Acre</i>
	<i>Lot Area** (acres)</i>	<i>Lot Width (feet)</i>				
More than 30.00	7.50	300		3	8	0.133
25.01—30.00	5.00	300		5	10	0.20
20.01—25.00	2.50	180		8	14	0.40
15.01—20.00	1.25	100		10	20	0.80
15.00 or less	0.50	100		25	40	2.00

\*Average slope is calculated by the following formula:

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

Where:

- S = Average slope of lot or tract in percent.
- I = Contour interval (20 feet 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 soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the chart in this subsection.

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

2. Minimum yard requirements are as follows:

- a. Front yard: None.
- b. Side yard: 25 feet; 50 feet if average slope exceeds 30 percent.
- 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 30 feet in height. Accessory garages and carports which are not an integral part of a principal structure shall not exceed a maximum height of five feet less than the maximum permitted height of the principal structure. All other 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 facilities.* 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 vegetation 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 No. 81-97; AO No. 81-217; AO No. 85-23; AO No. 85-28; AO No. 85-78; AO No. 86-90; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 98-53(S), § 6, 6-9-98; AO No. 99-49, § 1, 3-23-99; AO No. 99-62, § 14, 5-11-99; AO No. 2005-175, § 11, 1-10-06; AO No. 2005-178, § 12, 1-24-06; AO No. 2005-185(S), § 13, 2-28-06; AO No. 2005-124(S-1A), § 16, 4-18-06; AO No. 2006-121, § 7, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 13, 8-31-10)

#### **21.40.117 R-11 Turnagain Arm district.**

The following statement of intent and use regulations shall apply in the R-11 district:

- A. *Intent.* The R-11 district is intended to govern the land uses for that area known as Turnagain Arm south of Potter Marsh, including but not limited to Rainbow, Bird Creek, Indian, Girdwood, the Crow Creek inholdings and Portage. The permitted uses and densities are to generally conform to the policies, land use patterns and residential densities of the adopted Turnagain Arm Comprehensive Plan, as modified by the Girdwood Area Plan. The Turnagain Arm Comprehensive Plan, as modified by the Girdwood Area Plan, recognizes the need for some form of land use control system in the Turnagain Arm area. Growth in the area is likely to accelerate with the expansion of public facilities, the disposal of municipal lands and the availability of vacant, developable land; however, development patterns are still not clearly defined, especially in the more remote sections of Turnagain Arm. Flexible controls are required to deal with anticipated growth, since development patterns and densities are uncertain. Community concern has centered upon the need to provide flexibility in the design and planning of land uses while providing control over major developmental activities and their impacts. These controls are structured to integrate site design with unique scenic and environmental fea-

tures, and to provide control over the major secondary impacts of development. The R-11 district regulations employ the conditional use process to provide review for major development activities. By providing a public review process and by requiring submission of detailed site plans, greater compatibility between the proposed uses and adjacent existing uses can be obtained.

- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. All uses and structures that conform to the land use plans of the Turnagain Arm Comprehensive Plan as amended by the Girdwood Area Plan, except uses and structures designated as conditional uses in subsection D of this section. Where residential use is a conforming use, then by permit from the administrative official, a motor home or other recreational vehicle with a fully operable self-contained sanitation system may be used on site as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired.
  - a. The property owner or person intending to occupy the temporary living quarters during construction of the permanent dwelling shall secure a permit from the administrative official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under subsection 21.40.117B.1.a. shall not be renewed and only one permit under subsection 21.40.117B.1.a. shall be issued for the same parcel within any ten-year period. The permit may be granted only upon the applicant's written certification, with attachments, that:
    - i. The self-contained sanitation system is fully opera-

- ble and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
- ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- b. If a permanent dwelling is damaged by fire, earthquake or other natural cause to the extent it is uninhabitable, a permit may be issued for occupancy of a motor home or other recreational vehicle with a fully operable self-contained sanitation system, during the period of rehabilitation or repair, not to exceed 18 months. A permit issued under subsection 21.40.117B.1.b. shall not be renewed. The permit may be granted only upon the applicant's written certification, with attachments, that:
- i. The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system; and
  - ii. Site access is sufficient and shall be used to transport refuse and excess waste year-around for proper off-site disposal; and
  - iii. Electrical utility service is on-site for use during the permit period and no generators shall be used; and
  - iv. Proof of a current building permit or land use permit is attached; and
  - v. If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- c. Only one motor home or other recreational vehicle shall be permitted for use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling. The motor home or recreational vehicle placement on the lot shall comply with the yard setbacks of the underlying zoning district.
2. Placer mining operations, which are subject to a wastewater discharge permit issued by the state department of environmental conservation, only if they do not involve the removal of any natural resources other than small quantities of precious metals, such as gold, silver and platinum, from the premises.
  3. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or shelter is not permitted, except as allowed by this title.

4. One type 4 local interest tower and/or antenna(s) as specified in the supplementary district regulations.
  5. With a permitted non-residential use or residential use of 6 dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  6. Child care homes.
  7. Child care centers, subject to administrative site plan review as specified in the supplementary district standards.
  8. Adult care facilities with one through eight persons.
  9. Small residential care facilities.
  10. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
  11. Restaurant or eating place alcoholic beverage license use, approved in accordance with administrative site plan review under 21.50.500, provided the principal and accessory uses are permitted non-residential uses within the Turnagain Arm district, pursuant to the Turnagain Arm Comprehensive Plan as amended by the Girdwood Area Plan.
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Accessory uses and structures which are customarily incidental to permitted principal uses.
  2. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
    - a. At least 25 feet from any lot line not in common ownership; or
    - b. Oriented with entrances facing away from adjacent property; or
    - c. Placed at least eight feet above ground level; or
    - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.
  3. 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 an abutting neighbor's lot line. Alternatively, uncovered animal enclosures shall be at least 75 feet from residences existing at the date of adoption of this ordinance on abutting lots, or shall be at least ten feet from the abutting neighbor's lot line if the separation area is a vegetative buffer as per 21.45.125(C)(2).
  4. Bed and breakfast with three or less guestrooms.
  5. Bed and breakfast with four guestrooms only by administrative site plan review.
  6. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential

use, where the large domestic animal facility building area does not exceed 4,000 square feet.

- 7. Fewer than four large domestic animals, subject to conformity with the requirements of Titles 15, 17 and 21.
- 8. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.

D. *Conditional uses.* The following uses and structures shall be required to meet the conditions and procedures of the conditional uses and site plan standards and procedures in section 21.15.030, and in Chapter 21.50, and such other requirements, derived from the standards of the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, and this title, as the planning and zoning commission may impose:

- 1. Multifamily uses not along the Alyeska Highway that are four-plex or greater in density.
- 2. Commercial uses as follows:
  - a. Commercial structures of more than 4,000 square feet in area designated commercial or residential-commercial on the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use plan map for Girdwood Valley.
  - b. Commercial structures of more than 2,000 square feet in area in all other areas designated "commercial" on the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use plan maps.
  - c. Uses occupying an area of more than 14,400 square feet in those areas designated as "commercial" or "residential-commercial" on the Turnagain Arm Comprehensive Plan, as

amended by the Girdwood Area Plan, land use plan map for Girdwood Valley.

- 3. Institutional uses of more than 4,000 square feet that are permitted by section 21.40.020.B.
- 4. Uses defined as industrial by section 21.35.020 and not included within an area designated as "industrial" on the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use plan map for Girdwood Valley, in which case they shall be treated as a permitted use.
- 5. Modular structures, mobile homes and mobile home parks.
- 6. Junkyards, automobile wrecking yards and salvage yards.
- 7. Natural resource extraction, including placer mining operations in which rock byproduct is removed from the premises.
- 8. Uses involving alcoholic beverage sales and dispensing.
  - a. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
- 9. Cemeteries.
- 10. Utility substations.
- 11. Type 1, 2 and 3 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
- 12. Snow disposal sites, solid waste processing transfer facilities and landfills, including areas for the disposal of building and organic material.
- 13. Airstrips and heliports.

14. Planned unit developments.
  15. All uses and structures that do not conform to the land use plans of the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, or that are located on a site whose use or density classification on those land use plans is uncertain. This subsection does not apply to property located in Girdwood Valley, as depicted on the Girdwood Area Plan, land use map.
    - a. Before approving a conditional use permit for a commercial or industrial use in an area indicated on the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use maps as residential, in addition to the findings required by section 21.50.020, the planning and zoning commission shall make findings as to why it is appropriate to permit the requested use in that location.
  16. Bed and breakfast with five guestrooms.
  17. Roominghouses.
  18. Large domestic animal facilities in excess of the standards established in 21.45.350C.
  19. Large domestic animal facilities on sites 40,000 square feet or larger as accessory to a permitted residential use, where the large domestic animal facility building area does not exceed 4,000 square feet.
  20. Adult care facilities with nine or more persons.
  21. Health care facilities.
  22. Large residential care facilities.
  23. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- E. *Prohibited uses.* The following uses are prohibited:
1. Outdoor storage or display of scrap, junk, salvaged or secondhand materials except within the area designated "industrial" on the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use map, in which case they shall be treated as a conditional use.
  2. Manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal or distilled products, or similar industrial uses.
  3. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:

Use	Lot Size (square feet)	Lot Width (feet)
1. Residential:		
With sewers	10,400	70
Without sewers:		
a. Girdwood	40,000	100
b. Bird Creek, Indian Valley, Portage, Crow Creek inholdings	108,150	100
c. Rainbow Valley inholdings	216,300	100
2. Commercial:		
With sewers	8,400	50
Without sewers	50,000	100
3. Industrial:		
With sewers	8,400	50
Without sewers	50,000	100
4. Institutional:		
With sewers	8,400	50
Without sewers	50,000	100

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. *Residential uses.*
  - a. Front: 20 feet.
  - b. Side: Five feet.
  - c. Rear: Ten feet.
2. *Commercial uses.*
  - a. Front yard: Ten feet and as provided in chapter 21.45.
  - b. Side yard: Ten feet adjacent to a residential district, otherwise five feet.
  - c. Rear yard: 15 feet adjacent to a residential district; otherwise ten feet.
3. *Industrial uses.*
  - a. Front yard: Ten feet and as provided in chapter 21.45.
  - b. Side and rear yard: None, except that, where a lot adjoins a residential use, a side or rear yard shall be provided equal to that required in the adjoining residential use. If a side or rear yard is provided elsewhere, it shall be not less than five feet in width.
4. *Institutional uses.*
  - a. Front: 25 feet.

- b. Side: Ten feet.
- c. Rear: 15 feet.

H. *Maximum lot coverage.* Maximum lot coverage is as follows:

1. Residential uses:
  - a. Less than one dwelling unit per acre: 30 percent.
  - b. One to five dwelling units per acre: 30 percent.
  - c. Five and over dwelling units per acre: 40 percent.
2. Commercial uses: 70 percent.
3. Industrial uses: 100 percent.
4. Institutional uses: 30 percent.

I. *Maximum height of structures.* Maximum height of structures is 35 feet unless a conditional use permit is obtained for a greater height.

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

K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use as provided in the supplementary district regulations, except that paving shall not be required for single-family and two-family residential uses. However, urban subdivisions shall meet the parking requirements of chapter 21.85.

1. Block 1, Lots 1—22 and Block 3, Lots 1—6 of the New Girdwood Townsite Subdivision are exempt from the parking requirements of this subsection, the parking calculations of section 21.45.080, and the parking requirements of the Girdwood Commercial Areas and Transportation Master Plan until the creation of an assessment district, payment-in-lieu program, or other enactment which includes the construction of public parking to serve these properties. In the interim, affected property owners may voluntarily provide on-site parking, subject to the appli-

cable improvement standards. This subsection shall be null and void upon certification by the executive director of the office of planning, development and public works that the public parking contemplated herein has been constructed, at which time all properties previously exempt hereunder shall provide the required parking through the assessment district, payment-in-lieu program or other enactment. This clause shall sunset in four years from date of implementation (6-5-2005).

- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Preservation of existing vegetation.* The removal of natural vegetation is prohibited except in connection with a permitted use or an approved conditional use. Removal of natural vegetation and disturbance of the existing ground cover shall be avoided to the maximum extent practicable when permitted construction is undertaken.
- N. *Refuse collection.* Refuse collection facilities shall be provided in accordance with chapter 21.45.
- O. *Illumination.* Illumination shall be provided in the manner prescribed in section 21.45.080.W.4.e so as to prevent unreasonable glare onto an adjacent street or residential use.
- P. *Storm drainage.* A site drainage plan shall be prepared and storm drainage facilities shall be constructed in accordance with such plan and the requirements of section 21.45.230.
- Q. *Landscaping.*
  - 1. *Arterial landscaping.* Arterial landscaping, as described in section 21.45.125.C.4, shall be planted along the length of each commercial lot line which abuts a collector or arterial street, as designated in the offi-

cial streets and highways plan, unless otherwise required for commercial uses along Crow Creek Road and the Alyeska Highway by the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan.

- 2. *Buffer landscaping.* Buffer landscaping, as described in section 21.45.125.C.2, shall be planted along the length of each commercial or institutional lot line which abuts a lot designated "residential" in the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use map.
- 3. *Screening landscaping.* Screening landscaping, as described in section 21.45.125.C.3, shall be planted along the length of each industrial lot line which abuts a lot designated "residential" in the Turnagain Arm Comprehensive Plan, as amended by the Girdwood Area Plan, land use map.
- 4. *Visual enhancement landscaping.* All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking or other authorized installations shall be planted with visual enhancement landscaping, as described in section 21.45.125.
- 5. *Maintenance.* The property owner shall maintain all landscaping in good condition.

(AO No. 82-162; AO No. 84-34; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 86-122; AO No. 86-182; AO No. 88-143; AO No. 88-144, 11-26-88; AO No. 88-171(S-1), 12-31-88; AO No. 94-120, § 1, 8-23-94; AO No. 94-238(S), § 3, 2-28-94; AO No. 94-239, § 1, 2-14-95; AO No. 96-118, § 1, 8-22-96; AO No. 96-118, § 1, 8-13-96; AO No. 99-62, § 15, 5-11-99; AO No. 2001-88, § 1, 6-5-01; AO No. 2005-175, § 12, 1-10-06; AO No. 2005-178, § 13, 1-24-06; AO No. 2005-185(S), § 14, 2-28-06; AO No. 2005-124(S-1A), § 17, 4-18-06; AO No. 2006-121, § 8, 9-26-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 1, 10-23-07; AO No. 2010-50(S), § 14, 8-31-10)



**21.40.120 D-2 and D-3 residential development districts.**

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

- A. *Intent.* 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 ensure a standard of development at least as high as in the corresponding R-2M 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 special exception where permanent development is not imminently anticipated.

Residential densities are similar to the R-2M 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-2M 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.

1. Tower, high voltage transmission, maximum average tower height of

70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. D-2 district: Same as R-2M district.
2. D-3 district: Same as R-3 district.
3. Keeping honey bees, *Apis mellifera*, in a manner consistent with the requirements of all titles of this Code. Colonies shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:
  - a. At least 25 feet from any lot line not in common ownership; or
  - b. Oriented with entrances facing away from adjacent property; or
  - c. Placed at least eight feet above ground level; or
  - d. Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in both directions.

No more than four hives shall be placed on lots smaller than 10,000 square feet.

4. Bed and breakfast with three or less guestrooms.
5. Bed and breakfast with four guestrooms only by administrative site plan review.
6. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like

tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional 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. D-2 district: Same as R-2M district.
2. D-3 district: Same as R-3 district.

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 ten 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 and zoning commission.
5. Residential planned unit developments.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. D-2 district: Same as R-2M district.
2. D-3 district: Same as R-3 district.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:

1. D-2 district: Same as R-2M district.
2. D-3 district: Same as R-3 district.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. D-2 district: Same as R-2M district.
2. D-3 district: Same as R-3 district.

H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 40 percent.

I. *Maximum height of structures.* Except as otherwise provided in this title, no portion of a principal structure shall exceed 35 feet in height. Accessory garages and carports which are not an integral part of a principal structure shall not exceed a maximum height of 30 feet. All other 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, with the minimum for each use to be as follows:

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

M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.T; AO No. 77-355; AO No. 83-220; AO No. 85-18; AO No. 85-28; AO No. 85-78; AO No. 85-91, 10-1-85; AO No. 88-171(S-1), 12-31-88; AO No. 98-53(S), § 7, 6-9-98; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06)

**21.40.130 R-O residential-office district.**

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

- A. *Intent.* 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.* Permitted principal uses and structures are as follows:

1. Single-family, two-family and multiple-family dwellings.
2. Hotels, motels and motor lodges on sites with a minimum area 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. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
3. Boardinghouses and lodgishouses.
4. Private clubs and lodges. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed by conditional use only.
5. Parks, playgrounds and playfields, and municipal buildings in keeping with the character of the district.
6. Museums, historic and cultural exhibits, libraries and the like.
7. Child care centers and child care homes.
8. Public, private and parochial academic schools.
9. Hospitals and nursing facilities.
10. Residential care and adult care facilities, any size.
11. Transitional living.
12. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences.
13. Accounting, auditing and bookkeeping services.
14. Engineering, surveying and architectural services.
15. Attorneys and legal services.
16. Real estate services and appraisers.
17. Stock and bond brokerage services.
18. Insurance services.
19. Photographic services.
20. Funeral services; provided, however, that crematoriums are specifically prohibited.
21. Banks, savings and loan associations, credit unions and similar financial institutions.
22. Private employment agencies, placement services and temporary personnel services.
23. Headquarters or administrative offices for such charitable or eleemosynary organizations as the Red Cross, Tuberculosis Society, Cancer Society, Heart Association, Boy Scouts, Girl

Scouts and similar quasi-public organizations of a noncommercial nature.

24. Veterinary clinics, provided that such activities shall be conducted within a completely enclosed building.
25. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
26. With a permitted non-residential use or residential use of 6 dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
27. Barbershops and beauty shops.
28. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Accessory uses incidental to any of the principal uses listed in subsection B of this section.
2. For hotels, motels or motor lodges having 20 or more rental units, personal and professional service estab-

lishments and restaurants which are clearly incidental to the operation of the permitted principal use.

3. Bed and breakfast with three or less guestrooms.
4. Bed and breakfast with four guestrooms only by administrative site plan review.
5. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures of 6 dwelling units or less as specified in the supplementary district regulations.
6. One small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.

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

1. Townhouses, row houses and office buildings built to a common wall at side lot lines.
2. Utilities substations.
3. Off-street parking spaces or structures.
4. Planned unit developments.
5. 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.
6. Habilitative care facilities.
7. Two or more drive-up bank stations.
8. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
9. Snow disposal sites.

- 10. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- 11. Social service facility.
- 12. Severe alcohol dependent housing.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

- 1. Storage for use of mobile homes or quonset huts.
- 2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:

<i>Use</i>	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>
1. Single-family dwelling	6,000	50

<i>Use</i>	<i>Lot Area (square feet)</i>	<i>Lot Width (feet)</i>
2. Two-family dwelling	6,000	50
3. Three- through ten-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 shall be subject to the yard requirements of this section. For purposes of this subsection, 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. One hundred percent (100%) of any area completely below grade and used exclusively for required vehicle parking and loading shall not be included in determining floor area ratio. A floor area ratio of 2.0 provides for 28,000 gross square feet of building area on a lot with an area of 14,000 square feet.		
5. Lot requirements for all other permitted uses are as follows:		
a. Lot area: 6,000 square feet.		
b. Lot width: 50 feet.		

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

- 1. Front yard: Ten feet, except as provided in the supplementary district regulations.
- 2. Side yard:
  - Single-family, two-family and multiple-family dwellings: Five 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: Ten feet.
  4. Multiple-family dwellings shall provide a usable yard area of 100 square feet per dwelling unit.
- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is as follows:
1. Single-family, two-family and multiple-family dwellings: 50 percent.
  2. All other permitted uses: Unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement land-

scaping. The landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.I; AO No. 77-219; AO No. 77-355; AO No. 78-199; AO No. 80-57; AO No. 81-67(S); AO No. 83-226; AO No. 85-18; AO No. 85-23; AO No. 85-69; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 86-171; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 91-97; AO No. 92-114; AO No. 96-131(S), § 3, 10-22-96; AO No. 99-62, § 16, 5-11-99; AO No. 2003-124(S), § 3, 1-20-04; AO No. 2005-175, § 13, 1-10-06; AO No. 2005-178, § 14, 1-24-06; AO No. 2005-185(S), § 15, 2-28-06; AO No. 2005-124(S-1A), § 18, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 2, 10-23-07; AO No. 2009-22, § 5, 4-14-09; AO No. 2009-23, § 1, 4-14-09; AO No. 2010-3, § 3, 3-23-10; AO No. 2010-50(S), § 15, 8-31-10)

#### **21.40.140 B-1A local and neighborhood business district.**

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

- A. *Intent.* The B-1A district is intended for convenience business uses which serve the daily needs of nearby neighborhoods. The district is intended for small, compact areas.
- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:
  1. Retail uses:
    - a. Grocery stores, delicatessens and food specialty shops.
    - b. Meat and seafood markets.
    - c. Retail bakeries.
    - d. Hardware stores.
    - e. Shoe repair and tailor shops.
    - f. Bookstores, stationery stores and newsstands.
    - g. Drugstores.
    - h. Self-service laundry and self-service dry cleaning shops.
    - i. Beauty shops.
    - j. Barbershops.

- k. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  - l. Knit shops, yarn shops, dry goods, dressmaking and notions stores.
  - m. Small appliance repair shops.
  - n. Photography studios, art studios.
  - o. Post offices.
  - p. On-premises dry cleaning establishments using a perchlorethylene process or similar nonflammable, nonaqueous solvent, excluding large commercial and industrial laundry and dry cleaning plants.
  - q. Laundry and dry cleaning pickup stations.
  - r. Florists.
  - s. Tobacco stores.
  - t. Health clubs and tanning salons.
  - u. On-site film processing.
2. Retail uses, subject to maximum gross floor area requirements:
- a. Department or variety stores: 4,000 square feet.
  - b. Clothing and shoe stores; 3,000 square feet.
  - c. Furniture and home appliance stores: 3,000 square feet.
  - d. Catalog showrooms: 2,000 square feet.
  - e. Music, record and videotape stores: 1,400 square feet.
  - f. Hobby stores: 1,400 square feet.
  - g. Banking and financial institutions providing primarily retail services, excluding drive-in facilities: 3,000 square feet.
  - h. Frozen food lockers: 1,400 square feet.
3. Office uses:
- a. Health services.
  - b. Accounting, auditing and book-keeping services.
  - c. Engineering, surveying and architectural services.
  - d. Real estate offices.
  - e. Insurance offices.
  - f. Attorney offices.
4. Office uses, subject to maximum gross floor area requirements: local administrative offices for charitable and eleemosynary organizations, with a maximum gross floor area requirement of 1,000 square feet.
5. Residential uses: single-family and two-family dwellings.
6. Other uses:
- a. Parks, playgrounds and playfields, and municipal buildings and uses in keeping with the character and requirements of the district.
  - b. Public branch libraries.
  - c. Child care centers and child care homes.
  - d. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or pro-

viding shelter to persons is not permitted except as otherwise allowed in this title.

- e. Roominghouses.
  - f. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures as specified in the supplementary district regulations.
  - g. Adult care facilities.
  - h. Small residential care facilities.
  - i. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
  - j. Mixed use development, subject to alternative development design approval under subsection 21.40.140.P.
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
  2. A building containing a permitted principal use may include one dwelling unit incidental to the operation of the permitted principal use.
  3. Bed and breakfast establishments with three or less guestrooms are permitted.
  4. Bed and breakfast establishments with four guestrooms are permitted only by administrative site plan review.
  5. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures as specified in the supplementary district regulations.
  6. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use and site plan 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. Planned unit developments.
  6. Off-street parking spaces and structures.
  7. Museums, historical and cultural exhibits and the like.
  8. Mechanical carwashes operated in connection with a gasoline station.
  9. Restaurants, tearooms, cafes and other places serving food involving the retail sale, dispensing or service of alcoholic beverages, in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  10. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.



11. Social service facility with maximum usable area of 3,000 square feet.
  12. Hospitals and nursing facilities with one through 16 persons.
  13. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. The outdoor storage or display of any scrap, junk, salvaged or second-hand materials, or any salvage yard or salvage operation.
  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. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
1. Width: 50 feet.
  2. Area: 6,000 square feet.
- G. *Location, area and site plan requirements.*
1. *Location.*
    - a. Except as stated in subsection G.1.b, development of a use under this section shall only be allowed:
      - i. With direct access to a publicly dedicated and improved right-of-way as set forth in Chapter 21.85; and
      - ii. At the intersection of a major arterial street and any other publicly dedicated rights-of-way.
    - b. For mixed use with minimum contiguous areas of 12,000 square feet but no more than 40,000 square feet approved under subsection 21.40.140.P., the site shall abut two public streets, with direct access to a street developed to urban commercial standards.
  2. *Area limitations.*
    - a. Minimum contiguous area is 40,000 square feet, unless an alternative development design is approved under subsection 21.40.140.P. for mixed use.
      - i. The minimum contiguous area is 12,000 square feet for mixed use approval under subsection 21.40.140.P.
    - b. Maximum contiguous area is 2.0 acres.
    - c. Notwithstanding the requirements of subsections G.2.a and b of this section, additions to local and neighborhood business district zones in existence prior to August 2, 1988, are permitted up to a total contiguous area of five acres.
  3. *Site plan requirements.*
    - a. A rezoning to the B-1A district of less than 1.75 acres shall require approval of a concep-

tual site plan per section 21.15.030.C at the time of the rezoning and a final site plan before the issuance of a building or land use permit for that site.

- b. In a rezoning to the B-1A district, an alternative development design approval under subsection 21.40.140.P. for mixed use development may include provision for administrative final site plan approval unless the ordinance approving the rezoning states a different approval process.
- c. Except as provided in subsection G.3.b, the planning and zoning commission shall conduct a nonpublic hearing site plan review on the final site plan unless directed otherwise by the ordinance approving the rezoning.

H. *Minimum yard requirements.* Minimum yard requirements are as follows:

- 1. *Residential uses.*
  - a. Front yard: 20 feet.
  - b. Side yard: Five feet.
  - c. Rear yard: Ten feet.
- 2. *Mixed use yard requirements* shall be subject to alternative development design approval under subsection 21.40.140.P.
- 3. *Other uses.*
  - a. Front yard: 20 feet.
  - b. Side yard: 20 feet adjacent to a residential district boundary; otherwise none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least five feet.
  - c. Rear yard:
    - (1) Where the rear lot line adjoins a residential dis-

trict, the minimum rear yard shall be 25 feet, and buffer landscaping shall be planted along the rear lot line. The landscaping shall be maintained by the property owner or his designee.

- (2) Except as provided in subsection (1) of this subsection, the minimum rear yard shall be five feet.

I. *Maximum lot coverage.* Maximum lot coverage is as follows:

- 1. Residential: 40 percent.
- 2. Where mixed use lot coverage is approved subject to an alternative development design under subsection 21.40.140.P., the requirements of the approval shall govern.
- 3. All other uses: 50 percent.

J. *Maximum height of structures.* Except as otherwise provided in this title, no portion of a principal structure shall exceed 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, subject to the provisions of the supplementary district regulations. Where mixed use is approved subject to an alternative development design under subsection 21.40.140.P., the requirements in the approval shall govern.

M. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations. Where mixed use is approved subject to an alternative development design under subsection 21.40.140.P., the requirements in the approval shall govern.

- N. *Refuse collection.* Where applicable, refuse collection facilities shall follow the requirements of the supplementary district regulations.
- O. *Landscaping.*
1. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a residential district. A structure, including a fence or wall, may also be required by the approving authority.
  2. *Perimeter landscaping.* Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.
  3. *Arterial landscaping.* Arterial landscaping shall be planted along all collector or arterial streets.
  4. *Visual enhancement landscaping.* All areas not devoted to building, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
  5. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.
  6. Where mixed use is approved subject to an alternative development design under subsection 21.40.140.P., the requirements in the approval shall govern.
- P. *Alternative development design application for mixed use.*
1. Alternative development design applications for mixed use are subject to review and approval by the department director or designee. Final decisions approving or denying an application under this subsection 21.40.140.P. are appealable to the planning and zoning commission under AMC 21.15.030.H.2 unless incorporated within a rezone application under AMC chapter 21.20.
  2. Alternative development designs for mixed use development shall be submitted to the community development department, planning division in the form of a site development plan. Alternative development design approval is intended to allow flexibility in site design and orientation for mixed use, when maximizing space, responding to community interests, and protecting nearby and adjacent residential neighborhoods and other adjacent development. Submittal requirements:
    - a. Application for a site plan as set out in 21.15.030.
    - b. A schematic and narrative showing how the proposed alternative development design dimensions are integrated to meet the intent of the zoning district by protecting, enhancing, and providing consistency with nearby and adjacent residential neighborhoods and other adjacent development.
    - c. Description of development on properties within 500 feet, and description of traffic and pedestrian circulation within 500 feet.
    - d. Applicant's community council contact and response to community interests.
    - e. Identification of site-specific constraints and proposed mitigation measures to address potential negative impacts to nearby or adjacent development.
  3. Certain dimensional requirements may be modified by the approval authority to allow alternative development design compatible with nearby and surrounding development, including yard setbacks, lot coverage, building height, use specific standards, and the following

- characteristics of use: parking and parking lot design, loading, and landscaping.
- a. The approval authority shall not waive standards for subdivision of land, nor waive the requirements of Chapters 21.75, 21.80, and 21.85 in regards to subdivisions of land.
  - b. Approval of an application for alternative development design shall not waive any requirements of Title 23.
  - c. Approval of an application for alternative development design shall not allow a use not otherwise permitted in the district.
4. Threshold approval criteria. Alternate development design approval for mixed use under this subsection 21.40.140.P. requires the approval authority to find that each of the following is met:
- a. The architectural design, site location, orientation, and scale of the structures in the proposed alternative integrate design elements and limitations that are context sensitive and responsive to nearby areas, especially residential areas;
  - b. The proposed alternative design will not have a negative impact on pedestrian or vehicular safety, will promote pedestrian access and connectivity, and reduce the need for vehicle trips;
  - c. The proposed alternative design adequately mitigates the potential negative impact on nearby or adjacent development despite site-specific constraints.
  - d. Mixed use development in the proposed design is compatible with an established neighborhood commercial area as demonstrated by current or historical use, or area designation in the comprehensive plan.
- e. Landscaping is adequate for the development to fit within the neighborhood.
5. Alternative development design standards for mixed use.
- a. Residential use: For mixed use development of contiguous areas between 12,000 and 20,000 square feet, inclusive, a minimum of 30 percent of the gross building square footage shall be used for residential uses. For mixed use development of contiguous areas greater than 20,000 square feet, the minimum residential use shall be 50 percent of the gross building square footage unless the approving authority determines that residential use is best satisfied by 50% of the number of residential units allowable by lot size under residential zoning.
  - b. Minimum yard requirements in subsection 21.40.050.G. will serve as an administrative guideline for the residential element in the mixed use development.
  - c. The site shall incorporate rear access for the residential units through either an alley or other approved private driveway.
  - d. Visual enhancement landscaping meeting the requirements of 21.45.125.C.1 shall be planted on the perimeter of any portion of a parking lot that is adjacent to a residential zoning district unless the approving authority determines a proposed alternative design element achieves the intent of this requirement and the goals and policies of the

- comprehensive plan to the same or better degree than achievable by visual enhancement landscaping.
- i. Landscaping is important to help a development fit within a neighborhood, especially where adjacent property is low density residential, or more landscaping is the norm. This minimum standard does not prevent the director from requiring additional landscaping, compatible with nearby and surrounding development.
  - e. Maximum lot coverage of 50 percent will serve as an administrative guideline for the mixed use development.
  - f. Additional standards are set out in provisions specific to mixed use in this section 21.40.140.
6. Reserved.
  7. Timing of decision. The approval authority shall render a written decision within 30 calendar days of receipt of an application, unless the approval authority, within the 30-day period, identifies in writing to the applicant the details in the alternative development design application that require additional review before a decision can be rendered.
  8. Effect of approval. Approvals for alternative development designs for mixed use are approved site plans, subject to the specifics of the application approval. Alternative design approval is not a general waiver or cancellation of the land use regulations. This procedure is not intended as a substitute for a variance. Rather, the procedure permits a site-specific plan.
    - a. The purpose of an application for an alternative development design is to promote development and mixed use compatible with the existing and planned local and neighborhood business district.
    - b. The provisions of subsection 21.40.140.P. are not intended to allow application solely to permit a higher density than allowed in the district, nor to circumvent other specific standards of the district not subject to the site-specific waiver process.
    - c. As a site-specific approval for mixed use, modifications and approvals issued in review and approval of an application are not transferable to any other application or site, and shall not be relied on by any applicant as establishing precedent with respect to a different site or application.
    - d. The applicant bears the burden of demonstrating that the potential negative impacts to nearby or adjacent development are adequately mitigated in the alternative development design, despite site-specific constraints.
  9. Alternative development design approval for mixed use is undertaken in the B-1A local and neighborhood business district as set out in this subsection 21.40.140.P. on a trial basis to meet an immediate need to test parameters and standards in advance of final passage of the Title 21 Rewrite. Expedited implementation will allow maximum benefit from the test of the process. Applicants shall be deemed voluntary participants in a trial program.
 

(GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S); AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 85-173, 3-17-86; AO

No. 86-90; AO No. 87-62; AO No. 88-49(S); AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 96-131(S), § 2, 10-22-96; AO No. 99-62, § 17, 5-11-99; AO No. 2005-185(S), § 16, 2-28-06; AO No. 2005-124(S-1A), § 19, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 3, 10-23-07; AO No. 2009-22, § 6, 4-14-09; AO No. 2010-50(S), § 1, 8-31-10; AO No. 2011-93(S), § 2, 9-27-11)

#### **21.40.145 B-1B community business district.**

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

- A. *Intent.* The B-1B district is intended for consumer-oriented business uses which serve the needs of the surrounding community. The district is intended for small, compact sites at or near the intersection of streets designated for collector (industrial-commercial), arterial or greater capacity on the official streets and highways plan.
- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:
1. Retail uses:
    - a. Grocery stores, delicatessens and food specialty shops.
    - b. Meat and seafood markets.
    - c. Retail bakeries.
    - d. Hardware stores and variety stores.
    - e. Shoe repair and tailor shops.
    - f. Bookstores, stationery stores and newsstands.
    - g. Drugstores.
    - h. Self-service laundry and self-service dry cleaning shops.
    - i. Beauty shops.
    - j. Barbershops.
    - k. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or

eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

- l. Knit shops, yarn shops, dry goods, dressmaking and notions stores.
- m. Small appliance sales and repair shops.
- n. Photography studios, dance and art studios and supply stores.
- o. Post offices.
- p. On-premises dry cleaning establishments using a perchlorethylene process or similar nonflammable, nonaqueous solvent, excluding large commercial and industrial laundry and dry cleaning plants.
- q. Laundry and dry cleaning pickup stations.
- r. Florists.
- s. Tobacco stores.
- t. Clothing and shoe stores.
- u. Jewelry stores.
- v. Sporting goods and bicycle repair and sales stores.
- w. Catalog sales stores.
- x. Camera and photographic supply stores.
- y. Travel agencies and ticket brokers.
- z. Music, record, television and videotape stores.
- aa. Furniture and home appliance stores.
- bb. Banking and financial institutions providing primarily retail services, except conditional uses under subsection D of this section.

- cc. Hobby stores.
- dd. Frozen food lockers.
- ee. Gift, novelty and souvenir shops.
- ff. Picture framing shops.
- gg. Employment agencies.
- hh. Retail sales and showrooms.
- ii. Plumbing and heating service and equipment.
- jj. Paint, glass and wallpaper stores.
- kk. Direct selling organizations.
- ll. Gasoline service stations.

- mm. Off-street parking lots and parking structures of less than 50 spaces.
  - nn. Health clubs and tanning salons.
  - oo. On-site film processing.
  - pp. Large retail establishment, subject to public hearing site plan review.
2. Retail uses, subject to maximum gross floor area requirements: department or variety stores, with a maximum gross floor area requirement of 50,000 square feet.
  3. Offices and services:
    - a. Banking, insurance, real estate and financial offices and services.
    - b. Business and professional offices and services.
    - c. Medical, health and legal offices and services.
    - d. Administrative offices and services.
  4. Residential uses: multiple-family uses allowed under section 21.40.050.
  5. Other uses:
    - a. Parks, playgrounds and playfields, and municipal buildings and uses in keeping with the character and requirements of the district.
    - b. Public branch libraries.
    - c. Child care centers and child care homes.
    - d. Private clubs and lodges.
    - e. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
- f. Roominghouses.
  - g. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures as specified in the supplementary district regulations.
  - h. Public, private and parochial academic schools.
  - i. Business colleges and universities.
  - j. Adult care facilities.
  - k. Hospitals and nursing facilities with one through 16 persons.
  - l. Small residential care facilities.
  - m. Transitional living facilities.
6. Social service facility.
  7. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.*  
Permitted accessory uses and structures are as follows:
1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
  2. A building containing a permitted principal use may include one dwelling unit incidental to the operation of the permitted principal use.
  3. Bed and breakfast establishments with three, four or five guestrooms are permitted.



4. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures of 6 dwelling units or less as specified in the supplementary district regulations.

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted:

1. Marquees, overpasses and similar substantial projections into the public airspace, together with any signs to be mounted thereon.
2. Off-street taxicab stands.
3. Drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles.
4. Utility substations and telephone exchanges.
5. Planned unit developments, commercial and residential.
6. Off-street parking structures of more than 50 spaces.
7. Museums, historical and cultural exhibits, motion picture theaters and the like.
8. Mechanical carwashes operated in connection with a gasoline station.
9. Drive-in eating establishments.
10. Commercial recreation establishments, including bowling alleys, pool halls, amusement arcades and the like.
11. Uses involving alcoholic beverage retail sale, dispensing or service:
  - a. Liquor stores, in accordance with section 21.50.160.
  - b. Restaurants, tearooms, cafes and other places serving food involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. Alcoholic bev-

erage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

12. Habilitative care facilities.
13. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
14. Correctional community residential centers.
15. Hospitals and nursing facilities with 17 or more persons.
16. Large residential care facilities.
17. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

1. The outdoor storage or display of any scrap, junk, salvaged or second-hand materials, or any salvage yard or salvage operation.
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. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
1. Width: 60 feet.
  2. Area: 8,000 square feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. *Residential uses.*
    - a. Front yard: 20 feet.
    - b. Side yard: Ten feet.
    - c. Rear yard: 20 feet.
  2. *Other uses.*
    - a. Front yard: 20 feet.
    - b. Side yard: 20 feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least five feet.
    - c. Rear yard:
      - (1) Where the rear lot line adjoins a residential district, the minimum rear yard shall be 25 feet, and buffer landscaping shall be planted along the rear lot line. The landscaping shall be maintained by the property owner.
      - (2) Except as provided in subsection (1) of this subsection, the minimum rear yard shall be five feet.
- H. *Maximum lot coverage.* Maximum lot coverage is as follows:
1. Residential uses: 40 percent.
  2. All other uses: 70 percent.
- I. *Location and area regulations.*
1. *Location.* Development of uses under the provisions of this section shall only be allowed at or near the intersection of collector (commercial-industrial), arterial or greater capacity roads.
  2. *Area limitations.*
    - a. Minimum contiguous area is 2.0 acres.
    - b. Maximum contiguous area is 20.0 acres.
    - c. Notwithstanding the requirements of subsections a and b of this subsection, additions to the minimum site area may be allowed subject to the provisions of subsection F of this section.
- J. *Maximum height of structures.* Except as otherwise provided in this title, no portion of a principal structure shall exceed 35 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, subject to the provisions of the supplementary district regulations.
- M. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- N. *Refuse collection.* Where applicable, refuse collection facilities shall follow the requirements of the supplementary district regulations.
- O. *Landscaping.*
1. *Buffer landscaping.* Buffer landscaping shall be planted along each lot

line adjoining a residential district. A structure, including a fence or wall, may also be required by the approving authority.

2. *Perimeter landscaping.* Visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.
3. *Arterial landscaping.* Arterial landscaping shall be planted along all collector or arterial streets.
4. *Visual enhancement landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
5. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.J; AO No. 77-355; AO No. 78-28; AO No. 78-169; AO No. 81-67(S); AO No. 81-143; AO No. 83-210; AO No. 85-18; AO No. 85-23; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 95-68(S-1), § 5, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-173, § 1, 11-3-98; AO No. 99-62, § 18, 5-11-99; AO No. 2001-80, § 2, 5-8-01; AO No. 2005-185(S), § 17, 2-28-06; AO No. 2005-124(S-1A), § 20, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 4, 10-23-07; AO No. 2009-22, § 7, 4-14-09)

#### **21.40.150 B-2A central business district core.**

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

- A. *Intent.* The B-2A district is intended to create a concentrated area of retail, financial and public institutional facilities in order to encourage the development of interrelated uses and functions, reduce pedestrian walking distance between activities, and ensure the development of compatible pedestrian-oriented uses on the ground floor level throughout the district.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Principal uses permitted when visible from street level or occupying street level floorspace:
  - a. Department stores or variety stores.
  - b. Furniture and hardware stores.
  - c. Music, record, television and video stores.
  - d. Shoe repair and tailor shops.
  - e. Bookstores, stationery stores and newsstands.
  - f. Drugstores.
  - g. Beauty shops.
  - h. Barbershops.
  - i. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  - j. Household appliances sales and repair shops.
  - k. Photography, dance, music and art studios and supplies.
  - l. Florists.
  - m. Tobacco stores.
  - n. Clothing, apparel and shoe stores.
  - o. Jewelry stores.
  - p. Sporting goods stores.
  - q. Camera and photographic sales and supply stores.
  - r. Travel agencies and ticket brokers.

- s. Paint, glass and wallpaper stores.
  - t. Motion picture theaters.
  - u. Banking and financial institutions, excluding any drive-in facilities.
  - v. Hotels, excluding conditional uses under subsection D of this section.
  - w. Pet shops.
  - x. Establishments for the fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like.
  - y. Health clubs and tanning salons.
  - z. On-site film processing.
  - aa. Gift and souvenir shops.
  - bb. Furriers.
  - cc. Grocery and food stores.
  - dd. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - ee. Large retail establishment, subject to public hearing site plan review.
2. Permitted uses permitted when not visible from street level and occupying street-level floorspace:
- a. Business and professional offices, including insurance, real estate, medical, health, legal, financial and other professional services.
  - b. Taxidermy shops.
  - c. Wholesale stores, provided that the manufacturing of items shall not be permitted.
  - d. Radio and television studios.
  - e. Employment agencies.
  - f. Business service establishments.
3. Principal uses permitted on other than street-level floorspace:
- a. All uses identified within subsections B.1 and B.2 of this section.
  - b. Trade or professional schools, provided that such schools shall not use or store heavy equipment or machinery.
  - c. Private clubs and lodges, except conditional uses under subsection D of this section.
  - d. Art, dance, photographic and music studios and supply stores.
4. Other uses:
- a. Multiple-family dwellings occupying no more than 50 percent of the gross floor area of a building.
  - b. Parks, playgrounds and playfields.
  - c. Public branch libraries with a gross floor area of 30,000 square feet or less.
  - d. Museums with a gross floor area of 30,000 square feet or less, historical and cultural exhibits, and the like.
  - e. Parking lots.
  - f. Parking structures of less than 50 spaces.
  - g. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - h. Roominghouses.

- i. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers when collocated on a building as specified in the supplementary district regulations.
  - j. Government office buildings.
  - k. Child care centers and child care homes.
  - l. Adult care facilities.
  - m. Large residential care facilities.
  - n. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
- 1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures.
  - 2. Bed and breakfast with three, four or five guestrooms.
  - 3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  - 4. Building-mounted small wind energy conversion systems on buildings over 60 feet in height, by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
- 1. Drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles.
  - 2. Heliports.
  - 3. Utility substations and telephone exchanges.
  - 4. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.
  - 5. Planned unit developments.
  - 6. Off-street parking structures containing 50 or more spaces.
  - 7. Commercial recreation establishments, including bowling alleys, pool halls, amusement arcades and the like.
  - 8. Bus terminals.
  - 9. Habilitative care facilities.
  - 10. Interior climate-controlled galleries which connect two or more buildings.
  - 11. Libraries and museums with a gross floor area greater than 30,000 square feet.
  - 12. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  - 13. Auditoriums.
  - 14. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  - 15. Correctional community residential centers.

16. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
17. Severe alcohol dependent housing.
- E. *Prohibited uses and structures.* Any use which causes or may reasonably be expected to cause excessive noise, vibrations, 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 is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
1. Width: 50 feet.
  2. Area: 6,000 square feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Residential uses: As required under section 21.40.060.G.
  2. Other uses, including residential uses associated with other uses: None, except as provided in the supplementary district regulations.
- 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 following bulk requirements:
1. *Tower design.* One tower not exceeding the bulk requirements outlined in subsections a and b of this subsection shall be allowed for a development on a parcel of land containing 13,000 square feet or a fraction thereof, or one tower not exceeding the bulk requirements outlined in subsections c and d of this subsection shall be allowed 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 subsections a and b of this subsection 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 subsections c and d of this subsection shall be allowed for every additional 19,500 square feet of land area.
    - a. Maximum plan dimension: 130 feet.
    - b. Maximum diagonal plan dimension: 150 feet.
    - c. Maximum plan dimension: 130 feet.
    - d. Maximum diagonal plan dimension: 180 feet.

Variances from the specific bulk requirement dimensions listed in this section may be granted by the planning and zoning commission and appeals on developments covering a land area of more than 26,000 square feet, provided that the commission finds that the spirit and intent of this district are maintained.
  2. *Alternative structure designs.* Alternative building designs may be submitted in the form of a project devel-

opment plan to the director of community planning and development for approval. Alternative design forms may be approved that provide for at least 15 percent more access either to scenic views of adjoining mountains and the Cook Inlet or for solar access as compared to designs allowed under subsection H.1 of this section. The percentage amount of additional scenic or solar access shall be based on total building volume of the alternative design compared to a representative tower design. Site development plans submitted under this subsection must include a schematic of a project designed under subsection H.1 of this section, a site development plan of the design utilizing the provisions of this subsection H.2, and calculations to establish the increased scenic or solar access required in this subsection H.2. Designs using the provisions of this subsection H.2 are allowed an additional one story of base height prior to the utilization of the bonus point requirements of subsection I of this section.

3. *Existing structures.* Notwithstanding the bulk regulations and maximum lot coverage limitations contained in this subsection H, where a lawful structure existed on September 9, 1974, 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.
  - I. *Maximum height of structures.*
    1. Notwithstanding subsections I.2 and I.3 of this section, the maximum height of a structure shall not exceed that permitted under chapter 21.65.
    2. Subject to subsection I.3 of this section, no building or structure shall exceed nine stories in height.

3. Building floor area may be constructed above the maximum building height permitted under subsection I.2 of this section by earning bonus points for site and design amenities under a site development plan approved by the department of planning as specified in table 1, provided:
  - a. Each bonus point permits an additional 400 square feet of floorspace.
  - b. All new development must accumulate a minimum of one bonus point for each 1,600 square feet of site area to be approved. Only urban design amenities related to pedestrians and landscaping of those features designated "streetscape" in table 1 may be used to fulfill this requirement.
  - c. No more than one bonus point per each 100 square feet of site can be accumulated for any single amenity option. Bonus points can be obtained by combining any of the options provided in table 1.
  - d. At least 25 percent of all bonus points required for floorspace must be accumulated from amenities designated "streetscape." This amount can include bonus points earned under subsection b. of this subsection.
  - e. The review authority has discretion to ensure the design, location, orientation, quality of materials and degree of public accessibility of any streetscape amenity proposed to be counted toward bonus point requirements protects and enhances the environment of the zoning district and the street frontage where it is located, meets the amenity's own functional objectives, and provides for and pro-

protects the health, welfare, and safety of residents, employees and visitors to Downtown.

TABLE 1. DESIGN AMENITIES AND BONUS POINTS, B-2A DISTRICT

<b>Urban Design Amenity</b>	<b>Bonus Points</b>
Street trees*	2 points per tree
Seating units, street furniture*	1 point per 2 units (maximum of 6 points)
Decorative street illumination*	2 points per 1 unit
Sidewalks*	1 point per 300 square feet
Sidewalk, greater than the required 11.5 feet width*	1 point per 75 square feet of sidewalk that is in addition to the required 11.5-foot width
Sidewalk texture*	1 point per 200 square feet
Bike racks, open*	3 points per 3 open storage units (maximum accumulation of 15 points)
Bike racks, covered*	3 points per covered storage units (maximum accumulation of 30 points)
Bike rack, enclosed and secured*	5 points per unit (maximum accumulation of 45 points).
Kiosk*	1 point per unit (maximum accumulation of 3 points)
Canopy over sidewalk*	1 point per 200 square feet
Covered arcade*	1 point per 100 square feet
Open air plaza, or landscaped park*	15 point[s] per 70 square feet (corner); 20 point[s] per 80 square feet (other)
Public restrooms at ground level	5 point[s] per 35 square feet
Climate-controlled public plaza or court (galleria)*	1 point per 50 square feet
Shops:	
50 percent or more transparent windows on ground floor street front*	1 point per 100 square feet
Less than 50 percent transparent windows on ground floor street front	1 point per 140 square feet
Second floor shops	1 point per 140 square feet
Third floor or basement level shops	1 point per 350 square feet
Commercial theater	1 point per 200 square feet
Public rooftop recreation area or public viewing deck	1 point per 50 square feet (minimum area is 1,000 square feet)
Housing	1 point per 140 square feet of area devoted to housing
Hotels	1 point per 200 square feet of area devoted to hotel rooms
Enclosed parking	14 points per space below grade
Transit amenities	3 points per covered shelter; 10 points per bus pull-out
Historic preservation	1 point per 200 square feet of area devoted to a retained historic structure



Urban Design Amenity	Bonus Points
Sidewalk landscaping* (not otherwise credited)	1 point per 425 square feet (public land); 1 point per 30 square feet (private land)
Skywalks	30 points per skywalk
Day care, 24-hour child care facilities	1 point per 200 square feet
Heated walking surfaces - sidewalk/plaza*	1 point per 50 square feet (heating infrastructure installed beneath walking surface and functioning) 1 point per 100 square feet (heating infrastructure installed beneath walking surface only)
Shower facility with changing area and lockers, accessible to bicycle parking facilities, and available to building occupants and employees	10 points per shower stall (maximum of 30 points)
Street level wind effects study (pedestrian level wind environment). The applicant shall implement a building design based on the wind study findings to maintain appropriate wind comfort levels for pedestrian activities at the street level, or to avoid worsening existing wind conditions. The applicant shall incorporate required wind mitigation methods as approved by the study and the planning department to the building design.	
Wind study computer modeling	10 points
Wind tunnel study	40 points

\*Streetscape amenities.

4. 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 upon the approval of community planning and development department staff, and provided further that amenities for which points have been granted can be eliminated entirely upon approval of the planning and zoning commission.

5. Maximum height near Town Square Park is as follows:

- a. Notwithstanding subsections I.2 and I.3 of this section, the maximum height of structures in Blocks 69 through 71, Anchorage Original Townsite, shall not exceed the following:

Block 69:  
 Northwest quarter: 115 feet.  
 Northeast quarter: 85 feet.

South half: 200 feet.  
 Block 70:  
 North half: 55 feet.  
 South half: 230 feet.

Block 71:  
 Northwest quarter: 85 feet.  
 Northeast quarter: 115 feet.  
 South half: 200 feet.

The director of community planning and development may waive this height limit for a structure that will not cast a shadow greater than that cast by existing structures on the Town Square Park on Block 51, Anchorage Original Townsite, from April 21 to August 21 between the hours of 9:00 a.m. and 3:00 p.m., solar time.

- b. Subject to the maximum height requirements in chapter 21.65, at the request of the owner of a lot in Blocks 69 through 71,

Anchorage Original Townsite, the right to construct the amount of building square footage permitted on that lot under subsections I.1 through I.3 of this section, less the amount allowed under this subsection I, may be added to the amount allowed under this title on one or more lots not in those blocks located in the B-2A, B-2B or B-2C district.

6. Structures in excess of three stories shall be allowed additional buildable area for that portion of the required sidewalk within private property between the structure setback line determined by section 21.45.140 and a sidewalk width of 11.5 feet. This additional area shall be calculated by multiplying the lineal feet of sidewalk affected by this subsection by 33 feet. This additional area can be included as part of the maximum building height of subsection I.1 of this section.
- J. *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. *Parking.* No off-street parking need be provided, but off-street parking that is provided shall be landscaped in accordance with the supplementary district regulations. No bonus points accrue for providing the landscaping required by this subsection. If off-street parking is provided, it must comply with subsections 21.45.080X.2.—11.
- L. *Sidewalks.* Sidewalks shall be located at the curb or in an enclosed mall or arcade connected to adjacent pedestrian circulation facilities. Sidewalks shall be no less than 11.5 feet wide. Bonus points may be earned for sidewalks provided in the area between the structure setback line established by section 21.45.140 and the structure, and where the provisions of subsection I.6 of this section are not utilized.
- M. *Street-level design continuity.* In areas designated in figure 4-3 as first and second priority pedestrian improvements in the CBD comprehensive development plan, buildings or other amenities, including landscaping and street furniture, shall extend the full width of the lot, except for driveway openings.
- N. *Screening.* Ground-level trash containers, loading areas, vehicle and equipment storage areas, and service areas shall be screened. Screening shall also be provided for rooftop mechanical equipment. Screening shall take the form of a fence, wall or vegetation, or a combination of these.
- O. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- P. *Refuse collection.* Where applicable, refuse collection facilities shall follow the provisions of the supplementary district regulations.
- Q. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.
- R. *Ground floor windows.* Blank walls on the ground level of buildings are limited to provide connection between activities occurring inside structure to an adjacent sidewalk.
  1. Exterior walls on the ground level which are 20 feet or closer to the street side lot shall meet the window standard set forth in paragraph 2 below. Corner lots shall meet the window standard on only one street frontage. The window standard shall be met on the street of OS&HP highest classification. On the lessor class

street the window standard is one-half the window standard. If two or more streets have the highest classification the property owner may select the street in which to meet the window standard and the other streets shall be at least one-half window standard.

2. Window standard. The windows shall be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior walls up to nine feet above grade. Windows required under this section shall be either windows that allow views into working area or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows shall be no more than four feet above the adjacent exterior grade. Display cases attached to the outside wall do not qualify as windows.
3. Exemptions. Walls of residential units and parking structures are exempt from this requirement.

(GAAB 21.05.050.W; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 87-148; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 6, 8-8-95; AO No. 98-160, § 4, 12-8-98; AO No. 98-188, §§ 1—3, 1-12-99; AO No. 99-62, § 19, 5-11-99; AO No. 99-131, § 7, 10-26-99; AO No. 2001-80, § 3, 5-8-01; AO No. 2005-185(S), § 18, 2-28-06; AO No. 2005-124(S-1A), § 21, 4-18-06; AO No. 2006-49, § 1, 5-16-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 5, 10-23-07; AO No. 2008-35(S), § 1, 3-18-08; AO No. 2010-3, § 4, 3-23-10; AO No. 2010-50(S), § 17, 8-31-10)

**21.40.160 B-2B central business district, intermediate.**

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

- A. *Intent.* The B-2B district is intended to create financial, office and hotel areas

surrounding the predominately retail and public institutional core of the central business district. The district also permits secondary retail and residential uses. The residential uses are intended to support other downtown activities.

- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Retail uses:

- a. Department or variety stores.
- b. Furniture and hardware stores.
- c. Music, record, television and videotape stores.
- d. Shoe repair and tailor shops.
- e. Bookstores, stationery stores and newsstands.
- f. Drugstores.
- g. Beauty shops.
- h. Barbershops.
- i. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
- j. Household appliances sales and repair shops.
- k. Photography, dance, music and art studios and supplies.
- l. Florists.
- m. Tobacco stores.
- n. Clothing, apparel and shoe stores.
- o. Jewelry stores.
- p. Sporting goods stores.

- q. Camera and photographic sales and supply stores.
  - r. Travel agencies and ticket brokers.
  - s. Paint, glass and wallpaper stores.
  - t. Motion picture theaters.
  - u. Banking and financial institutions, excluding drive-in facilities.
  - v. Hotels, excluding conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  - w. Pet shops.
  - x. Establishments for the fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like.
  - y. Health clubs and tanning salons.
  - z. On-site film processing.
  - aa. Gift and souvenir shops.
  - bb. Furriers.
  - cc. Grocery and food stores.
  - dd. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - ee. Large retail establishment, subject to public hearing site plan review.
2. Offices:
- a. Insurance and real estate offices.
  - b. Banking and financial institutions.
  - c. Business and professional offices.
  - d. Medical, health and legal services.
  - e. Government offices.
3. Other uses:
- a. Multiple-family dwellings, at a density of not less than 25 dwelling units per acre.
  - b. Dwellings in nonresidential structures.
  - c. Parks, playgrounds and playfields.
  - d. Museums and public branch libraries with a gross floor area of 30,000 square feet or less, historical and cultural exhibits, and the like.
  - e. Radio and television studios.
  - f. Off-street parking lots.
  - g. Parking structures of less than 50 spaces.
  - h. Child care centers and child care homes.
  - i. Private clubs and lodges, except conditional uses under subsection D of this section.
  - j. Business service establishments, including printing.
  - k. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - l. Roominghouses.
  - m. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local inter-

- est towers when collocated on a building as specified in the supplementary district regulations.
- n. Police and fire stations.
  - o. Adult care facilities.
  - p. Large residential care facilities.
4. Social service facility.
  5. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures.
  2. Bed and breakfast with three, four or five guestrooms.
  3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  4. Building-mounted small wind energy conversion systems on buildings over 60 feet in height, by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *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. Drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles.
  3. Heliports.
  4. Utility substations and telephone exchanges.
  5. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.
  6. Interior climate-controlled gallerias which connect two or more buildings.
  7. Planned unit developments.
  8. Off-street parking structures containing 50 or more spaces.
  9. Commercial recreation establishments, including bowling alleys, pool halls, amusement arcades and the like.
  10. Bus terminals.
  11. Habilitative care facilities.
  12. Libraries and museums with a gross floor area greater than 30,000 square feet.
  13. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  14. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  15. Correctional community residential centers.
  16. Tower, high voltage transmission, exceeding maximum average tower

height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

17. Severe alcohol dependent housing.

- E. *Prohibited uses and structures.* 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 is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
1. Width: 50 feet.
  2. Area: 6,000 square feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Residential uses: As required under section 21.40.060.G.
  2. Other uses, including residential uses associated with other uses: None, except as provided in the supplementary district regulations.
- 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 following bulk requirements:

1. *Tower design.* One tower not exceeding the bulk requirements outlined in subsections a and b of this subsection 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 subsections c and d of this subsection shall be allowed 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 subsections a. and b. of this subsection 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 subsections c and d of this subsection shall be allowed for every additional 19,500 square feet of land area.
  - a. Maximum plan dimension: 130 feet.
  - b. Maximum diagonal plan dimension: 150 feet.
  - c. Maximum plan dimension: 130 feet.
  - d. Maximum diagonal plan dimension: 180 feet.

Variances from the specific bulk requirement dimensions listed in this section may be granted by the planning and zoning commission on developments covering a land area of more than 26,000 square feet, provided that the commission finds that the spirit and intent of this district are maintained.

2. *Alternative structure designs.* Alternative building designs may be submitted in the form of a project devel-

opment plan to the director of community planning and development for approval. Alternative design forms may be approved that provide for at least 15 percent more access either to scenic views of adjoining mountains and the Cook Inlet or for solar access as compared to designs allowed under subsection H.1 of this section. The percentage amount of additional scenic or solar access shall be based on total building volume of the alternative design compared to a representative tower design. Site development plans submitted under this subsection may include a schematic of a project designed under subsection H.1 of this section, a site development plan of the design utilizing the provisions of this subsection H.2, and calculations to establish the increased scenic or solar access required in this subsection H.2. Designs using the provisions of this subsection H.2 are allowed an additional one story of base height prior to the utilization of the bonus point requirements of subsection I of this section.

3. *Existing structures.* Notwithstanding the bulk regulations and maximum lot coverage limitations contained in this subsection H, where a lawful structure existed on September 9, 1974, 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.

I. *Maximum height of structures.*

1. Notwithstanding subsections I.2 and I.3 of this section, the maximum height of a structure shall not exceed that permitted under chapter 21.65.
2. Subject to subsection I.3 of this section, no building or structure shall exceed five stories in height.

3. Building floor area may be constructed above the maximum building height permitted under subsection I.2 of this section by earning bonus points for site and design amenities under a site development plan approved by the department of planning as specified in table 2, provided:

- a. Each bonus point permits an additional 400 square feet of floorspace.
- b. All new development must accumulate a minimum of one bonus point for each 1,600 square feet of site area to be approved. Only urban design amenities related to pedestrians and landscaping off those features designated "streetscape" may be used to fulfill this requirement.
- c. No more than one bonus point per each 100 square feet of site can be accumulated for any single amenity option. Bonus points can be obtained by combining any of the options provided in table 2.
- d. At least 25 percent of all bonus points required for floorspace must be accumulated from amenities designated "streetscape." This amount can include bonus points earned under subsection b of this subsection.
- e. The review authority has discretion to ensure the design, location, orientation, quality of materials and degree of public accessibility of any streetscape amenity proposed to be counted toward bonus point requirements protects and enhances the environment of the zoning district and the street frontage where it is located, meets the amenity's own functional objectives, and provides for and pro-

protects the health, welfare, and safety of residents, employees and visitors to Downtown.

TABLE 2. DESIGN AMENITIES AND BONUS POINTS, B-2B DISTRICT

<b>Urban Design Amenity</b>	<b>Bonus Points</b>
Street trees*	2 points per tree
Seating units, street furniture*	1 point per 2 units (maximum of 6 points each)
Decorative street illumination*	2 points per 1 unit
Sidewalks*	1 point per 300 square feet
Sidewalk, greater than the required 11.5 feet width*	1 point per 75 square feet of sidewalk that is in addition to the required 11.5-foot width
Sidewalk, texture*	1 point per 250 square feet
Bike racks, open*	3 points per 3 open storage units (maximum accumulation of 15 points)
Bike racks, covered*	3 points per covered storage units (maximum accumulation of 30 points)
Bike rack-enclosed and secured*	3 points per unit (maximum accumulation of 45 points).
Kiosk*	1 point per unit (maximum accumulation of 3 points)
Canopy over sidewalk*	1 point per 200 square feet
Covered arcade*	1 point per 100 square feet
Open air plaza, or landscape park*	15 point[s] per 70 square feet (corner); 20 point[s] per 80 square feet (other)
Public restrooms at ground level	5 point[s] per 35 square feet
Climate-controlled public plaza or court (galleria)*	1 point per 70 square feet
Shops:	
50 percent or more transparent windows on ground floor street front*	1 point per 100 square feet
Less than 50 percent transparent windows on ground floor street front	1 point per 225 square feet
Second floor shops	1 point per 225 square feet
Public rooftop recreation area or public viewing deck	1 point per 50 square feet (minimum area is 1,000 square feet)
Housing	1 point per 80 square feet of area devoted to housing
Hotels	1 point per 200 square feet of area devoted to hotel rooms
Enclosed parking	11 points per space above or on grade; 13 points per space below grade
Transit amenities	3 points per covered shelter; 10 points per bus pull-out
Historic preservation	1 point per 200 square feet
Sidewalk landscaping* (not otherwise credited)	1 point per 425 square feet (public land); 1 point per 30 square feet (private land)



Urban Design Amenity	Bonus Points
Skywalks	30 points per skywalk
Day care, 24-hour child care facilities	1 point per 200 square feet
Heated walking surfaces - sidewalk/plaza*	1 point per 50 square feet (heating infrastructure installed beneath walking surface and functioning) 1 point per 100 square feet (heating infrastructure installed beneath walking surface only)
Shower facility with changing area and lockers, accessible to bicycle parking facilities, and available to building occupants and employees	10 points per shower stall (maximum of 30 points)
Street level wind effects study (pedestrian level wind environment). The applicant shall implement a building design based on the wind study findings to maintain appropriate wind comfort levels for pedestrian activities at the street level, or to avoid worsening existing wind conditions. The applicant shall incorporate required wind mitigation methods as approved by the study and the planning department to the building design.	
Wind study computer modeling	10 points
Wind tunnel study	40 points

\*Streetscape amenities.

4. 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 upon the approval of department of community planning and development staff, and provided further that amenities for which points have been granted can be eliminated entirely upon approval of the planning and zoning commission.

5. Maximum height near Town Square Park is as follows:

- a. Notwithstanding subsections I.2 and I.3 of this section, the maximum height of structures in Blocks 69 through 71, Anchorage Original Townsite, shall not exceed the following:

Block 69:

Northwest quarter: 115 feet.

Northeast quarter: 85 feet.

South half: 200 feet.

Block 70:

North half: 55 feet.

South half: 230 feet.

Block 71:

Northwest quarter: 85 feet.

Northeast quarter: 115 feet.

South half: 200 feet.

The director of community planning and development may waive this height limit for a structure that will not cast a shadow greater than that cast by existing structures on the Town Square Park on Block 51, Anchorage Original Townsite, from April 21 to August 21 between the hours of 9:00 a.m. and 3:00 p.m., solar time.

- b. Subject to the maximum height requirements in chapter 21.65, at the request of the owner of a lot in Blocks 69 through 71, Anchorage Original Townsite, the right to construct the amount of building square foot-

- age permitted on that lot under subsections I.1 through I.3 of this section, less the amount allowed under this subsection I, may be added to the amount allowed under this title on one or more lots not in those blocks located in the B-2A, B-2B or B-2C district.
6. Structures in excess of three stories shall be allowed additional buildable area for that portion of the required sidewalk within private property between the structure setback line determined by section 21.45.140 and a sidewalk width of 11.5 feet. This additional area shall be calculated by multiplying the lineal feet of sidewalk affected by this subsection by 33 feet. This additional area can be included as part of the maximum building height of subsection I.2 of this section.
- J. *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. *Parking.* No off-street parking need be provided, but off-street parking that is provided shall be landscaped in accordance with the supplementary district regulations. No bonus points accrue for providing the landscaping required by this subsection. If off-street parking is provided, it must comply with subsections 21.45.080X.2.—11.
- L. *Sidewalks.* Sidewalks shall be located at the curb or in an enclosed mall or arcade connected to adjacent pedestrian circulation facilities. Sidewalks shall be no less than 11.5 feet wide. This width may be decreased by one foot where the adjoining structure contains no retail space with street display windows on the ground floor. Bonus points may be earned for sidewalks provided in the area between the structure setback line established in section 21.45.140 and the structure, and where the provisions of subsection I.6 of this section are not utilized.
- M. *Street-level design continuity.* In areas designated in figure 4-3 as first and second priority pedestrian improvements in the CBD comprehensive development plan, buildings or other amenities, including landscaping and street furniture, shall extend the full width of the lot, except for driveway openings.
- N. *Screening.* Ground-level trash containers, loading areas, vehicle and equipment storage areas, and service areas shall be screened. Screening shall also be provided for rooftop mechanical equipment. Screening shall take the form of a fence, wall or vegetation, or a combination of these.
- O. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- P. *Refuse collection.* Where applicable, refuse collection facilities shall follow the provisions of the supplementary district regulations.
- Q. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.
- R. *Ground floor windows.* Blank walls on the ground level of buildings are limited to provide connection between activities occurring inside structure to an adjacent sidewalk.
1. Exterior walls on the ground level which are 20 feet or closer to the street side lot shall meet the window standard set forth in paragraph 2 below. Corner lots shall meet the window standard on only one street frontage. The window standard shall be met on the street of OS&HP highest classification. On the lesser class

street the window standard is one-half the window standard. If two or more streets have the highest classification the property owner may select the street in which to meet the window standard and the other streets shall be at least one-half window standard.

2. *Window standard.* The windows shall be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior walls up to nine feet above grade. Windows required under this section shall be either windows that allow views into working area or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows shall be no more than four feet above the adjacent exterior grade. Display cases attached to the outside wall do not qualify as windows.
3. *Exemptions.* Walls of residential units and parking structures are exempt from this requirement.

(GAAB 21.05.050.Y; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 81-72; AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 7, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 5, 12-8-98; AO No. 98-188, §§ 4—6, 1-12-99; AO No. 99-62, § 20, 5-11-99; AO No. 99-131, § 8, 10-26-99; AO No. 99-149, § 2, 12-14-99; AO No. 2001-80, § 4, 5-8-01; AO No. 2005-185(S), § 19, 2-28-06; AO No. 2005-124(S-1A), § 22, 4-18-06; AO No. 2006-49, § 2, 5-16-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 6, 10-23-07; AO No. 2008-35(S), § 2, 3-18-08; AO No. 2009-22, § 8, 4-14-09; AO No. 2010-3, § 5, 3-23-10; AO No. 2010-50(S), § 18, 8-31-10)

### **21.40.170 B-2C central business district, periphery.**

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

- A. *Intent.* The B-2C district is intended to create financial, office, residential and hotel areas at the periphery of the central business district. The district also permits secondary retail uses. The height limitations in this district are intended to help preserve views and to conform structures to the geologic characteristics of the western and northern boundaries of the district.
- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:
  1. Retail uses:
    - a. Department or variety stores.
    - b. Furniture and hardware stores.
    - c. Music, record, television and videotape stores.
    - d. Shoe repair and tailor shops.
    - e. Bookstores, stationery stores and newsstands.
    - f. Drugstores.
    - g. Beauty shops.
    - h. Barbershops.
    - i. Restaurants, tearooms, cafes and other places serving food or beverages, except conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
    - j. Household appliances sales and repair shops.
    - k. Photography, dance and art studios and supplies.

- l. Florists.
  - m. Tobacco stores.
  - n. Clothing, apparel and shoe stores.
  - o. Jewelry stores.
  - p. Sporting goods stores.
  - q. Camera and photographic sales and supply stores.
  - r. Travel agencies and ticket brokers.
  - s. Paint, glass and wallpaper stores.
  - t. Motion picture theaters.
  - u. Banking and financial institutions, excluding drive-in facilities, except conditional uses under subsection D of this section.
  - v. Hotels, excluding conditional uses under subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  - w. Pet shops.
  - x. Establishments for the fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like.
  - y. Health clubs and tanning salons.
  - z. On-site film processing.
  - aa. Gift and souvenir shops.
  - bb. Furriers.
  - cc. Laundry and dry cleaning establishments; provided, however, that large commercial industrial laundry and dry cleaning plants shall be prohibited.
  - dd. Grocery and food stores.
  - ee. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - ff. Large retail establishment, subject to public hearing site plan review.
2. Offices:
- a. Insurance and real estate offices.
  - b. Banking and financial institutions.
  - c. Business and professional offices.
  - d. Medical, health and legal services.
  - e. Government offices.
3. Other uses:
- a. Multiple-family dwellings.
  - b. Dwellings in nonresidential structures.
  - c. Parks, playgrounds and playfields.
  - d. Museums and public branch libraries with a gross floor area of 30,000 square feet or less, historical and cultural exhibits, and the like.
  - e. Child care centers and child care homes.
  - f. Off-street parking lots.
  - g. Parking structures of less than 50 spaces.
  - h. Radio and television studios.
  - i. Funeral services.
  - j. Private clubs and lodges, except conditional uses under subsection D of this section.
  - k. Wholesale display rooms, provided that no manufacturing for distribution shall be permitted.
  - l. Business service establishments, including printing.

- m. Single- and two-family residential uses.
  - n. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - o. Roominghouses.
  - p. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers when collocated on a building as specified in the supplementary district regulations.
  - q. Police and fire stations.
  - r. Adult care facilities.
  - s. Large residential care facilities.
- 4. Social service facility.
  - 5. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - 6. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
- 1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures.
  - 2. Bed and breakfast with three or less guestrooms.
  - 3. Bed and breakfast with four guestrooms only by administrative site plan review.
  - 4. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  - 5. Building-mounted small wind energy conversion systems on buildings over 60 feet in height, by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *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. Drive-in banks, with sufficient off-street area for maneuvering and waiting automobiles.
  - 3. Heliports.
  - 4. Utility substations and telephone exchanges.
  - 5. Marquees, overpasses and similar substantial projections into public airspace, together with any signs to be mounted thereon.
  - 6. Interior climate-controlled gallerias which connect two or more buildings.
  - 7. Planned unit developments.
  - 8. Off-street parking structures containing 50 or more spaces.
  - 9. Commercial recreation establishments, including bowling alleys, pool halls, amusement arcades and the like.
  - 10. Bus terminals.
  - 11. Habilitative care facilities.

12. Libraries and museums with a gross floor area greater than 30,000 square feet.
13. Pawnshops, secondhand shops and auction rooms.
14. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages, in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
15. Bed and breakfast with five guestrooms.
16. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
17. Correctional community residential centers.
18. Public, private and parochial academic schools.
19. Business colleges and universities.
20. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
21. Severe alcohol dependent housing.
  - E. *Prohibited uses and structures.* 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 is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
    1. Width: 50 feet.
    2. Area: 6,000 square feet.
  - G. *Minimum yard requirements.* Minimum yard requirements are as follows:
    1. Residential uses: As required under section 21.40.060.G.
    2. Other uses: None, except as provided in the supplementary district regulations.
  - 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 following bulk requirements:
    1. *Tower design.* One tower not exceeding the bulk requirements outlined in subsections a and b of this section shall be allowed for a development on a parcel of land containing 13,000 square feet or a fraction thereof, or one tower not exceeding the bulk requirements outlined in subsections c and d of this section shall be allowed 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 subsections a and b of this section 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 subsections c and d of this section shall be allowed for every additional 19,500 square feet of land area.

- a. Maximum plan dimension: 130 feet.
- b. Maximum diagonal plan dimension: 150 feet.
- c. Maximum plan dimension: 130 feet.
- d. Maximum diagonal plan dimension: 180 feet.

Variances from the specific bulk requirement dimensions listed in this section may be granted by the planning and zoning commission on developments covering a land area of more than 26,000 square feet, provided that the commission finds that the spirit and intent of this district are maintained.

2. *Alternative structure designs.* Alternative building designs may be submitted in the form of a project development plan to the director of community planning and development for approval. Alternative design forms may be approved that provide for at least 15 percent more access either to scenic views of adjoining mountains and the Cook Inlet or for solar access as compared to designs allowed under subsection H.1 of this section. The percentage amount of additional scenic or solar access shall be based on total building volume of the alternative design compared to a representative tower design. Site development plans sub-

mitted under this subsection must include a schematic of a project designed under subsection H.1 of this section, a site development plan of the design utilizing the provisions of this subsection H.2, and calculations to establish the increased scenic or solar access required in this subsection H.2. Designs using the provisions of this subsection H.2 are allowed an additional one story of base height prior to the utilization of the bonus point requirements of subsection I of this section.

3. *Existing structures.* Notwithstanding the bulk regulations and maximum lot coverage limitations contained in subsection H of this section, where a lawful structure existed on September 9, 1974, 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.

I. *Maximum height of structures.*

1. Notwithstanding subsections I.2 and I.3 of this section, the maximum height of a structure shall not exceed that permitted under chapter 21.65.
2. Subject to subsection I.3 of this section, no building or structure shall exceed three stories in height.
3. Building floor area may be constructed above the maximum building height permitted under subsection I.2. of this section by earning bonus points for site and design amenities under a site development plan approved by the department of planning as specified in table 3, provided:
  - a. Each bonus point permits an additional 400 square feet of floorspace.
  - b. All new development must accumulate a minimum of one bonus point for each 1,600

square feet of site area to be approved. Only urban design amenities related to pedestrian and landscaping of those features designated "streetscape" may be used to fulfill this requirement.

- c. No more than one bonus point per each 100 square feet of site can be accumulated for any single amenity option. Bonus points can be obtained by combining any of the options provided in table 3.
- d. At least 25 percent of all bonus points required for floorspace must be accumulated from amenities designated "streetscape." This amount can include bonus points earned under subsection b. of this subsection.
- e. The review authority has discretion to ensure the design, location, orientation, quality of materials and degree of public

accessibility of any streetscape amenity proposed to be counted toward bonus point requirements protects and enhances the environment of the zoning district and the street frontage where it is located, meets the amenity's own functional objectives, and provides for and protects the health, welfare, and safety of residents, employees and visitors to Downtown.

- 4. 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 upon the approval of community planning and development department staff, and provided further that amenities for which points have been granted can be eliminated entirely upon approval of the planning and zoning commission.

TABLE 3. DESIGN AMENITIES AND BONUS POINTS, B-2C DISTRICT

Urban Design Amenity	Bonus Points
Street trees*	2 points per tree
Seating units, street furniture*	1 point per 2 units (maximum of 6 points each)
Decorative street illumination*	2 points per 1 unit
Sidewalks*	1 point per 400 square feet
Sidewalk, greater than the required 11.5 feet width*	1 point per 75 square feet of sidewalk that is in addition to the required 11.5-foot width
Sidewalk texture*	1 point per 300 square feet
Bike racks, open*	3 points per 3 open storage units (maximum accumulation of 15 points)
Bike racks, covered*	3 points per covered storage unit (maximum accumulation of 30 points)
Bike rack-enclosed and secured*	5 points per unit (maximum accumulation of 45 points).
Kiosk*	1 point per unit (maximum accumulation of 3 points)
Canopy over sidewalk*	1 point per 200 square feet
Covered arcade*	1 point per 100 square feet



<b>Urban Design Amenity</b>	<b>Bonus Points</b>
Open air plaza, or landscape park*	15 point[s] per 100 square feet (corner); 20 point[s] per 115 square feet (other)
Public restrooms at ground level	5 point[s] per 100 square feet
Climate-controlled public plaza or court (galleria)*	1 point per 100 square feet
Shops:	
50 percent or more transparent windows on ground floor street front*	1 point per 100 square feet
Less than 50 percent transparent windows on ground floor street front	1 point per 160 square feet
Second floor shops	1 point per 160 square feet
Public rooftop recreation area or public viewing deck	1 point per 50 square feet (minimum area is 1,000 square feet)
Housing	1 point per 80 square feet of area devoted to housing
Hotels	1 point per 300 square feet of area devoted to hotel rooms
Enclosed parking	10 points per space above or on grade; 14 points per space below grade
Transit amenities	3 points per covered shelter; 10 points per bus pull-out
Historic preservation	1 point per 200 square feet
Sidewalk landscaping* (not otherwise credited)	1 point per 425 square feet (public land); 1 point per 30 square feet (private land)
Skywalks	30 points per skywalk
Day care, 24-hour child care facilities	1 point per 200 square feet
Heated walking surfaces - sidewalk/plaza*	1 point per 50 square feet (heating infrastructure installed beneath walking surface and functioning) 1 point per 100 square feet (heating infrastructure installed beneath walking surface only)
Shower facility with changing area and lockers, accessible to bicycle parking facilities, and available to building occupants and employees	10 points per shower stall (maximum of 30 points)
Street level wind effects study (pedestrian level wind environment). The applicant shall implement a building design based on the wind study findings to maintain appropriate wind comfort levels for pedestrian activities at the street level, or to avoid worsening existing wind conditions. The applicant shall incorporate required wind mitigation methods as approved by the study and the planning department to the building design.	
Wind study computer modeling	10 points
Wind tunnel study	40 points

\*Streetscape amenities.

5. Structures in excess of three stories shall be allowed additional buildable area for that portion of the required sidewalk within private property be-

tween the structure setback line determined by section 21.45.140 and a sidewalk width of 11.5 feet. This additional area shall be calculated

by multiplying the lineal feet of sidewalk affected by this subsection by 33 feet. This additional area can be included as part of the maximum building height of subsection I.2 of this section.

- J. *Signs.* Signs shall be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations.
- K. *Parking.* No off-street parking need be provided, but off-street parking that is provided shall be landscaped in accordance with the supplementary district regulations. No bonus points accrue for providing the landscaping required by this subsection. If off-street parking is provided, it must comply with subsections 21.45.080X.2.—11.
- L. *Sidewalks.* Sidewalks shall be located at the curb or in an enclosed mall or arcade connected to adjacent pedestrian circulation facilities. Except for the area north of the Fourth Avenue right-of-way and west of the L Street right-of-way, sidewalks shall be no less than 11.5 feet wide; provided that this width may be decreased by one foot where the adjoining structure contains no retail space with street display windows on the ground floor. Bonus points may be earned for sidewalks provided in the area between the structure setback line established in section 21.45.140 and the structure, and where the provisions of subsection I.5 of this section are not utilized.
- M. *Street-level design continuity.* In areas designated as first and second priority pedestrian improvements in the CBD comprehensive development plan, buildings or other amenities, including landscaping and street furniture, shall extend the full width of the lot, except for driveway openings.
- N. *Screening.* Ground-level trash containers, loading areas, vehicle and equipment storage areas, and service areas shall be screened. Screening shall also be provided for rooftop mechanical equipment. Screening shall take the form of a fence, wall or vegetation, or a combination of these.
- O. *Loading.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- P. *Refuse collection.* Where applicable, refuse collection facilities shall be provided according to the supplementary district regulations.
- Q. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.
- R. *Ground floor windows.* Blank walls on the ground level of buildings are limited to provide connection between activities occurring inside structure to an adjacent sidewalk.
  1. Exterior walls on the ground level which are 20 feet or closer to the street side lot shall meet the window standard set forth in paragraph 2 below. Corner lots shall meet the window standard on only one street frontage. The window standard shall be met on the street of OS&HP highest classification. On the lesser class street the window standard is one-half the window standard. If two or more streets have the highest classification the property owner may select the street in which to meet the window standard and the other streets shall be at least one-half window standard.
  2. Window standard. The windows shall be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior walls up to nine feet above grade. Windows required under this section shall be either windows that allow views into work-

ing area or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows shall be no more than four feet above the adjacent exterior grade. Display cases attached to the outside wall do not qualify as windows.

3. Exemptions. Walls of residential units and parking structures are exempt from this requirement.

(GAAB 21.05.050.X; AO No. 77-20; AO No. 77-355; AO No. 80-57; AO No. 81-67(S); AO No. 82-49; AO No. 85-173, 3-17-86; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 90-124; AO No. 91-1; AO No. 91-39; AO No. 91-144; AO No. 92-57; AO No. 95-68(S-1), § 8, 8-8-95; AO No. 96-131(S), § 3, 10-22-96; AO No. 98-160, § 6, 12-8-98; AO No. 98-173, § 4, 11-3-98; AO No. 98-188, §§ 7—9, 1-12-99; AO No. 99-62, § 21, 5-11-99; AO No. 99-131, § 9, 10-26-99; AO No. 99-149, § 3, 12-14-99; AO No. 2001-80, § 5, 5-8-01; AO No. 2005-185(S), § 20, 2-28-06; AO No. 2005-124(S-1A), § 23, 4-18-06; AO No. 2006-49, § 3, 5-16-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 7, 10-23-07; AO No. 2008-35(S), § 3, 3-18-08; AO No. 2009-22, § 9, 4-14-09; AO No. 2010-3, § 6, 3-23-10; AO No. 2010-50(S), § 19, 8-31-10)

### 21.40.180 B-3 general business district.

The following statement of intent and use regulations shall apply to the B-3 district:

- A. *Intent.* The B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic. The district specifically is intended for areas at or surrounding major arterial intersections where personal and administrative services, convenience and shopping goods, and automobile-related services are desirable and appropriate land uses. The extension of the B-3 district commercial uses along arterials, except as identified in the comprehensive development plan, is to be discouraged.

- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsection D of this section and uses prohibited under subsection E of this section.
  - a. Large retail establishment, subject to public hearing site plan review.
  - b. Self-storage facility and vehicle storage subject to public hearing site plan review.
  - c. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
2. Offices.
3. Other uses:
  - a. Multifamily residential uses, at a density of not less than 12 dwelling units per acre.
  - b. Dwellings in commercial structures with a gross floor area not less than 5,000 square feet.
  - c. Private clubs and lodges.
  - d. Parks, playgrounds and playfields, and government buildings and uses.
  - e. Vocational or trade schools.
  - f. Child care centers and child care homes.
  - g. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages,

- meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
- h. Roominghouses.
  - i. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  - j. Public, private and parochial academic schools.
  - k. Business colleges and universities.
  - l. Adult care facilities.
  - m. Hospitals and nursing facilities.
  - n. Transitional living facilities.
  - o. Large residential care facilities.
- 4. Social service facility.
  - 5. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - 6. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
- 1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
  - 2. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  - 3. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use and site plan 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 theaters.
  - 6. Camper parks.
  - 7. Habilitative care facilities.
  - 8. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  - 9. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  - 10. Snow disposal sites.

11. Correctional community residential centers, not to exceed 30 residents.
  12. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
  13. Natural resource extraction on tracts of not less than five acres.
  14. Severe alcohol dependent housing.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. The outdoor storage or display of any scrap, junk, salvaged or second-hand materials, or any salvage yard or salvage operation.
  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. The term "excessive" is defined for the purpose of this subsection as to 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.
  4. Truck and heavy equipment repair, service and storage.
  5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.
  6. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil, except as permitted by a natural resource extraction conditional use.
- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Residential uses: As provided in section 21.40.060.F.
  2. All other uses, including residential uses associated with other uses:
    - a. Width: 50 feet.
    - b. Area: 6,000 square feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Residential uses: As provided in section 21.40.060.G.
  2. All other uses:
    - a. Front yard: Ten feet.
    - b. Side yard: Ten feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.
    - c. Rear yard: 15 feet adjacent to a residential district; otherwise, none.
- H. *Maximum lot coverage.* Maximum lot coverage is as follows:
1. Residential: As provided in section 21.40.060.H.
  2. All other uses: Unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is unrestricted, except that no structure shall exceed the standards of section 21.65.050.

- J. *Signs.* Signs shall 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, subject to the provisions of the supplementary district regulations.
- L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Refuse collection.* Where applicable, refuse collection facilities shall be provided in accordance with the supplementary district regulations.
- N. *Landscaping.*
1. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a residential district.
  2. *Perimeter landscaping.* Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.
  3. *Arterial landscaping.* Arterial landscaping shall be planted along all collector or arterial streets.
  4. *Visual enhancement landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
  5. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.M; AO No. 77-355; AO No. 78-28; AO No. 80-57; AO No. 80-132; AO No. 81-67(S); AO No. 83-209; AO No. 85-18; AO No. 85-91, 10-1-85; AO No. 85-173, 3-17-86; AO No. 86-90; AO No. 86-182; AO No. 87-32; AO No. 87-62; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-26; AO No. 92-114; AO No. 95-68(S-1), § 9, 8-8-95; AO No. 96-107, § 1, 7-30-96; AO No. 96-131(S), § 3, 10-22-96; AO No.

98-160, § 7, 12-8-98; AO No. 99-62, § 22, 5-11-99; AO No. 2001-80, § 6, 5-8-01; AO No. 2004-108(S), § 3, 10-26-04; AO No. 2005-185(S), § 21, 2-28-06; AO No. 2005-124(S-1A), § 24, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-7, § 1, 5-1-07; AO No. 2007-121(S-1), § 7, 10-23-07; AO No. 2007-156, § 1, 12-11-07; AO No. 2009-22, § 10, 4-14-09; AO No. 2010-3, § 7, 3-23-10; AO No. 2010-50(S), § 20, 8-31-10)

#### 21.40.190 B-4 rural business district.

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

- A. *Intent.* 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.* Permitted principal uses and structures are as follows:
1. Commercial-wholesale uses:
    - 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 uses:
    - 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. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- l. Restaurants, cafes and other places serving food and beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
- 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 and 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 and sports lodges. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
- 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, and 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. Lumberyards and builders' supply stores.
  - qq. Fuel dealers.
  - rr. Nurseries.
  - ss. Automobile carwashes, self-service and automatic, with sufficient off-street area for maneuvering, waiting and drying automobiles.
  - tt. Frozen food lockers.
  - uu. Utilities substations.
  - vv. Hospitals and nursing facilities.
  - ww. Single-family, two-family and multiple-family dwellings.
  - xx. Veterinary clinics and boarding kennels.
  - yy. Business and professional offices.
  - zz. Child care centers and child care homes.
  - aaa. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  - bbb. Roominghouses.
  - ccc. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  - ddd. Commercial recreation, excluding motorized sports.
  - eee. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - fff. Large retail establishment, subject to public hearing site plan review.
  - ggg. Self-storage facility and vehicle storage yards, subject to public hearing site plan review.
  - hhh. Adult care facilities.
  - iii. Large residential care facilities.
  - jjj. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted principal accessory uses and structures.* Permitted principal accessory uses and structures are as follows:
1. Uses and structures clearly incidental and customarily accessory to permitted uses and structures.
  2. Bed and breakfast with three or less guestrooms.
  3. Bed and breakfast with four guestrooms only by administrative site plan review.
  4. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
- 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 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.
  8. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  9. Snow disposal sites.
  10. Correctional community residential centers.
  11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use.
- E. *Prohibited uses and structures.* 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 is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
1. Area: 10,000 square feet.
  2. Width: 80 feet
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: Ten feet.
  2. Side yard: None.
  3. Rear yard: None.
- H. *Maximum lot coverage by all buildings on a lot.* Maximum lot coverage by all buildings on a lot is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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, with the minimum for each use to be as provided in the supplementary district regulations, section 21.45.080.
- L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.*
1. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a residential district.
  2. *Visual enhancement landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.N; AO No. 77-355; AO No. 81-67(S); AO No. 84-41; AO No. 85-18; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 86-90; AO No. 87-32; AO No. 88-171(S-1), 12-31-88; AO No. 88-147(S-2); AO No. 92-114; AO No. 97-78, § 1, 6-3-97; AO No. 98-149(S), § 1, 11-17-98; AO No. 98-160, § 8, 12-8-98; AO No. 99-62, § 23, 5-11-99; AO No. 2001-80, § 7, 5-8-01; AO No. 2004-108(S), § 4, 10-26-04; AO No. 2005-185(S), § 22, 2-28-06; AO No. 2005-124(S-1A), § 25, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 9, 10-23-07)

#### 21.40.200 I-1 light industrial district.

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

- A. *Intent.* The I-1 district is intended primarily for urban and suburban light manufacturing, processing, storage, wholesale 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.* Permitted principal uses and structures are as follows:
1. Commercial uses:
    - 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. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
    - k. Restaurants, cafes and other places serving food and beverages. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
    - l. Merchandise vending machines sales and service.
    - m. Wholesale and retail camera and photographic supply houses.
    - n. Barbershops and beauty shops.
    - 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, fitting and repair of eyeglasses, 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, and 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. Lumberyards and builders' supply and storage.
- oo. Fuel dealers.
- pp. Plant nurseries.
- qq. Automobile carwashes.
- rr. Bus terminals and air passenger terminals.
- ss. Amusement arcades, billiard parlors and bowling alleys. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
- tt. Frozen food lockers.
- uu. Funeral services, including crematoriums.
- vv. Private clubs and lodges. Uses involving the sale (retail), dispensing or service of alcoholic beverages may be permitted by conditional use only.
- ww. Veterinarian clinics and boarding kennels, provided that such activity shall be conducted within a completely enclosed building, except that outdoor exercise yards accessory to such uses may be permitted.
- xx. Motion picture theaters.
- yy. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
- zz. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

- aaa. Snow disposal sites subject to the conditional use standards for snow disposal sites and an annual administrative permit.
  - bbb. Radio and television studios.
  - ccc. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  - ddd. Large retail establishment, subject to public hearing site plan review.
  - eee. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
2. Industrial uses:
- a. Airplane, automobile or truck assembly, remodeling or repair.
  - b. Beverage manufacture, including breweries.
  - c. Boatbuilding.
  - 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. Metalworking 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. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or to a degree injurious to the public health, safety or welfare.
  - o. Self-storage facility.
  - p. Vehicle storage.
  - q. Taxidermy and fur processing/dressing of raw hides and skins ("fur on"), conducted wholly within an enclosed building that has been issued a permit from AWWU for disposal of processing effluent into the municipal sewer system, if applicable, or

permitted by the Department of Health and Human Services (DHHS) or the State of Alaska Department of Environmental Conservation (DEC), if sewer is not available.

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
2. In the same structure with a permitted principal use, one dwelling unit may be occupied as an accessory use.
3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
4. One free-standing small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
5. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.

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 ten 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.
8. Impound yards.
9. Correctional community residential centers.
10. Motorized sports on parcels with a minimum of 20 acres, maximum engine size of 250 cc's for wheeled vehicles and 550 cc's for snow machines, hours of operation shall be 7:00 a.m. to 10:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. on Sunday.
11. Public, private and parochial academic schools.
12. Business colleges and universities.
13. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
14. Dormitories.
15. Child care centers and child care homes.
16. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
17. Severe alcohol dependent housing.

18. Two or three free-standing small wind energy conversion systems, subject to the requirements of section 21.50.470.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Dwellings, except as permitted under subsection C of this section as permitted accessory uses and structures, and under subsection D of this section as conditional uses.
  2. Junkyards.
  3. Manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine or varnish, charcoal or 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.* Minimum lot requirements are as follows:
1. Area: 6,000 square feet;
  2. Width: 50 feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: Ten feet.
  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.* Maximum lot coverage by all buildings is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.*
1. *Buffer landscaping.* Buffer landscaping shall be planted or a screening structure placed and visual enhancement landscaping planted along each lot line adjoining a residential district.
  2. *Visual enhancement landscaping.* Visual enhancement landscaping shall be planted along each lot line adjoining a right-of-way designated for collector or greater capacity on the official streets and highways plan.
  3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.
- (GAAB 21.05.050.O; AO No. 77-355; AO No. 79-95; AO No. 81-67(S); AO No. 82-105; AO No. 84-57; AO No. 85-91, 10-1-85; AO No. 85-95; AO No. 86-50; AO No. 86-90; AO No. 87-32; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 92-114; AO No. 95-68(S-1), § 11, 8-8-95; AO No. 95-76, § 1, 4-4-95; AO No. 95-194, § 1, 1-2-96; AO No. 98-160, § 9, 12-8-98; AO No. 98-173, § 5, 11-3-98; AO No. 99-62, § 24, 5-11-99; AO No. 2001-80, § 8, 5-8-01; AO No. 2004-5, § 1, 1-20-04; AO No. 2004-108(S), § 5, 10-26-04; AO No. 2004-178(am), § 1, 1-25-05;

AO No. 2005-9, § 3, 3-1-05; AO No. 2005-185(S), § 23, 2-28-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 10, 10-23-07; AO No. 2010-3, § 8, 3-23-10; AO No. 2010-50(S), § 21, 8-31-10)

**21.40.210 I-2 heavy industrial district.**

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

A. *Intent.* 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 is permitted; provided, however, that residential uses, including dwellings, roominghouses, boardinghouses or lodginghouses, apartment buildings, hotels or motels are prohibited. 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. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or to a degree injurious to the public health, welfare or convenience. Uses involving the retail sale, dispensing or service of alcoholic beverages may be permitted in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500. All antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in supplementary district regulations.

1. Large retail establishment, subject to public hearing site plan review.

2. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
2. In the same structure as a permitted principal use, one dwelling unit may be occupied as an accessory use.
3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
4. One free-standing small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
5. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan 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. Uses which involve the sale or dispensing of alcoholic beverages may be permitted in accordance with sec-

- tion 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
6. Incinerator facilities and thermal desorption units.
  7. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  8. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
  9. Two or three free-standing small wind energy conversion systems, subject to the requirements of section 21.50.470.
  10. Utility wind energy conversion systems, subject to the requirements of section 21.50.480.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Dwellings, except as provided under subsection C of this section as permitted accessory uses and structures.
  2. Hotels, motels, roominghouses or lodginghouses, and mobile home parks.
  3. Camper parks.
  4. Correctional institutions.
  5. Child care centers and child care homes.
  6. Hospitals and nursing facilities.
  7. Adult care facilities.
  8. Residential care facilities of any size.
- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Area: 6,000 square feet.
  2. Width: 50 feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: Ten feet.
  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.* Maximum lot coverage by all buildings is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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 per-



mitted use, with the minimum for each use to be as provided in the supplementary district regulations.

- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.*
  - 1. *Lot lines adjoining residential district.* Buffer landscaping shall be planted or a screening structure placed and visual enhancement landscaping planted along each lot line adjoining a residential district.
  - 2. *Lot lines adjoining commercial district.* Visual enhancement landscaping shall be planted along each lot line adjoining a commercial district.
  - 3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(GAAB 21.05.050.P; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 87-32; AO No. 91-184; AO No. 93-148, § 4, 11-16-93; AO No. 96-60, § 1, 8-6-96; AO No. 96-125, § 1, 11-12-96; AO No. 97-78, § 2, 6-3-97; AO No. 99-62, § 25, 5-11-99; AO No. 2001-80, § 9, 5-8-01; AO No. 2005-185(S), § 24, 2-28-06; AO No. 2005-124(S-1A), § 26, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 11, 10-23-07; AO No. 2010-50(S), § 22, 8-31-10)

#### **21.40.220 I-3 rural industrial district.**

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

- A. *Intent.* The I-3 district is intended for certain rural areas which, because of their topography, soil condition or 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 is permitted; provided, however, that residential uses, including dwellings, roominghouses, boardinghouses or lodginghouses, 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. The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that caused in their customary manner of operation by uses permitted in the I-3 district, or to a degree injurious to the public health, safety, welfare or convenience. All antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in supplementary district regulations.

- 1. Large retail establishment, subject to public hearing site plan review
- 2. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

- 1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
- 2. In the same structure as a permitted principal use, one dwelling unit may be occupied as an accessory use.
- 3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.

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. Natural resource extraction on tracts of not less than five acres.
  6. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  7. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Single-family dwellings, except as provided in subsection C of this section.
  2. Two-family and multiple-family dwellings, except as may be allowed by subsection D of this subsection.
  3. Hotels, motels, roominghouses and lodginghouses, and the like.
  4. Mobile home parks.
  5. Noxious, injurious or hazardous uses as defined in this chapter.
  6. Child care centers and child care homes.
  7. Hospitals and nursing facilities.
  8. Adult care facilities.
  9. Residential care facilities of any size.
- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Area: Two acres.
  2. Width: 100 feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: Ten feet.
  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.* Maximum lot coverage by all buildings is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.* Buffer landscaping shall be planted or a screening structure placed

and visual enhancement landscaping planted along each lot line adjoining a residential district.

(GAAB 21.05.050.Q; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 87-32; AO No. 93-148, § 2, 11-16-93; AO No. 99-62, § 26, 5-11-99; AO No. 2001-80, § 10, 5-8-01; AO No. 2005-185(S), § 25, 2-28-06; AO No. 2005-124(S-1A), § 27, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06)

#### **21.40.230 W watershed district.**

A. *Intent.* The watershed district is intended to preserve and protect the potable water reserves available to the municipality 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, industrial, 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 of this section, shall be subject to the provisions of chapter 21.67.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

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.
7. Placer mining operations subject to a wastewater discharge permit issued by the State Department of Environmental Conservation.
8. Type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
9. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project

and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Customary uses and buildings accessory to the principal uses are permitted, 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 and zoning commission. Any conditional use granted under the authority of this subsection shall be conditioned on compliance with the provisions of this section and chapter 21.67. In determining whether to grant a conditional use, the planning and zoning commission shall:

1. Examine the petitioner's proposal for its impact on groundwater 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 human services, the municipal development services department, the U.S. Bureau of Land Management and the state 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.
4. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public

works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

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.* Within the watershed district no person shall commit any of the following acts without having a permit issued by the municipality:

1. Make use of any surface water, springs, or groundwater, whether flowing or not.
2. Obstruct, interrupt, or interfere with any surface or underground drainage, runoff, flow of water, or watercourse.
3. Construct any dam, ditch, dike, road, or trail.
4. Dig, excavate, drill, or otherwise disturb the surface or underground.
5. Remove, clear, or otherwise destroy by mechanical or chemical means any trees, brush, grass, plants, or other natural ground cover.
6. Cultivate, plow, sow, or plant any land.
7. Start or maintain any fire.
8. Maintain or store any combustible or flammable material.
9. Pollute, contaminate, discharge or dump any water, refuse, debris or material into any reservoir, pipeline, stream, rill, drainage, runoff, watercourse or other groundwater and surface water source or supply.
10. Use any sprays, chemicals, or insecticides.
11. Otherwise damage, injure, contaminate, pollute, obstruct, or interfere with the surface or underground in any manner

that may affect the rainfall or precipitation and the collection, drainage, sources, supply, runoff, or watercourses of groundwater and surface water.

12. Fish or hunt except as permitted by state law.
13. No person shall cause or permit a sewage disposal system to be located within the drainage of any watershed area used for or reserved for use as a source of public water supply.

F. *Permits.*

1. *Criteria for issuance.* No permit allowing any act otherwise prohibited by subsection E. shall be issued unless the applicant for the permit shall satisfy the municipality that any such act will not contaminate, interrupt, interfere with or injure the watershed district and water supply and shall meet the requirements set forth in this section.
  2. *Compliance with applicable regulations.* No permit shall be issued pursuant to this section unless the act to be permitted complies with the water supply, waste disposal, and water pollution control laws and regulations of the state department of environmental conservation, the municipal department of health and human services, and the municipal office of planning, development, and public works.
- G. *Minimum lot requirements.* There are no minimum lot requirements in this district.
- H. *Minimum yard requirements.* There are no minimum yard requirements in this district.
- I. *Maximum lot coverage by all buildings.* None.
- J. *Maximum height of structures.* Maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration regulations on airport approaches.

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

(GAAB 21.05.050.R; AO No. 77-355; AO No. 84-34; AO No. 85-23; AO No. 99-62, § 27, 5-11-99; AO No. 2002-117, § 5, 1-28-03; AO No. 2006-64(S-1), §§ 2, 4, 12-12-06)

**Editor's note**—AO 2002-117 added subsections E. and F., formerly codified as 15.50.020 and 15.50.030. The legislative history for section 15.50.020 includes CAC 10.56.030, 10.56.130, and GAAB 16.45.030.C. The legislative history for section 15.50.030 includes CAC 10.56.050 and 10.56.120.

**Cross reference**—Watershed district regulations, ch. 15.50.

#### 21.40.240 T transition district.

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

- A. *Intent.* This district is intended to include suburban and rural areas that, because of location in relationship to other development, topography or soil conditions, are not developing and are not expected to develop in the immediate future along definitive land use lines. The permitted uses in these districts are intended to be as flexible as possible consistent with protection from noxious, injurious, hazardous or incompatible uses.

It is intended that interim development shall proceed in accordance with the applicable comprehensive development plan for the property being developed.

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 T districts will be proposed for more restrictive zoning classifications.

- B. *Permitted principal uses and structures.* Residential, business, commercial, industrial, public or quasi-public uses are permitted, except those prohibited uses specified in subsection E of this section, and those permitted only by conditional use as specified in subsection D of this section. Alcoholic beverage license use for a restaurant or eating place licensed by the

State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500. All antennas without tower structures, type 1 and 4, local interest towers as specified in supplementary district regulations.

1. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

- C. *Permitted accessory uses and structures.* Accessory uses and structures customarily incidental to any permitted principal use are permitted. All antennas without tower structures, type 1, 3 and 4, local interest towers as specified in supplementary district regulations.

- D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of this title, the following uses may be permitted only as a conditional use:

1. Mobile home parks.
2. Junkyards, automobile wrecking yards and salvage yards.
3. Noxious, injurious or hazardous uses, as follows: Noxious, injurious or hazardous uses, as defined in subsection E of this section, are prohibited, provided, however, that the planning and zoning 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, buffer landscaping or a screening structure in combination with visual enhancement landscaping or by observation of protective perfor-

- mance standards that effectively remove the proposed use from classification as a nuisance.
4. Natural resource extraction.
  5. Uses involving alcoholic beverage sales and dispensing. Alcoholic beverage license use for a restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.
  6. Cemeteries.
  7. Bed and breakfast with five guestrooms.
  8. Roominghouses.
  9. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.
  10. Type 1, 2, 3, and 4, community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
  12. Small wind energy conversion systems, subject to the requirements of section 21.50.470.
  13. Utility wind energy conversion systems, subject to the requirements of section 21.50.480.
- E. *Prohibited uses.* The following uses are prohibited:
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 which is likely to be incompatible with established permanent uses within the area to be affected by the proposed use or structure.
  3. Hospitals and nursing facilities.
  4. Adult care facilities.
  5. Residential care facilities of any size.
- The building official shall review every application for a building or land use permit for compliance with this subsection.
- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Area: 7,000 square feet.
  2. Width: 50 feet.
- G. *Minimum yard requirements.* There are no minimum yard requirements, except as provided in the supplementary district regulations.
- H. *Maximum lot coverage.* Maximum lot coverage is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Loading facilities.* Loading is unrestricted, except that commercial and industrial uses shall provide off-street loading facilities as specified in the supplementary district regulations.
- M. *Land contiguous to land zoned for less intensive use.* No building or land use permit shall be issued in a T zone except for a permitted use. Land zoned T lying contiguous to residential-zoned land shall be permitted to be used only in accordance with provisions and standards less intense or equal to provisions and standards allowed under this title for the least intensive land use zone within a 1,000-foot radius of the boundary of existing T-zoned property for which a building permit or land use permit has been requested. Permitted uses must conform to the standards of this title listed in order from lowest to highest intensity: W, R-10, R-9, R-8, R-6, R-5A, R-7, R-1A, R-1, R-2A, R-5, R-2M, R-2D, R-3, R-4, R-O, B-1A, B-1B, B-3, B-4, PLI, I-1, I-2, I-3, T.

Property owners of residential-zoned land within 1,000 feet of a T-zoned property shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing a T zone land use determination notification.

- N. *Conformance with comprehensive plan.* Notwithstanding any other provision of this title, no building or land use permit shall be issued in the T zone authorizing uses and structures that do not conform to

the land use plan maps in the applicable comprehensive development plan for the area in which the property is located.

- O. *Filing of appeal.* The assembly shall hear and decide T zone use determination appeals. Any T zone landowner or any landowner of residential-zoned land within a 1,000-foot radius of the T-zoned property may appeal a T zone land use determination. Any written communication received by the municipal clerk is an appeal of the T zone use determination if it objects to the T zone use determination, contains a legal description of the property on behalf of which the appeal is made, is signed by the person making the appeal, and is made within 30 days of mailing of a T zone land use determination notification. The effective date of any T zone building or land use permit is automatically suspended upon the filing of an appeal until assembly action as provided in this section has been concluded.
- P. *Assembly action on appeal.* If an appeal is filed, the assembly must approve the T zone use as submitted or with special limitations or other modifications at least as restrictive, with reference to the standards listed in subsection M of this section, as those submitted in the proposed use. Assembly action approving a T zone use must be by an affirmative vote of eight assembly members if the T zone land use determination is protested by the owners of at least one-third in the area, excluding rights-of-way, of:
1. The land to which the use determination applies; or
  2. The land within 300 feet of the outer boundary of the land to which the use applies, excluding land owned by the municipality, except where the municipality joins the protest or the use was initiated by the state or the United States.

The assembly may disapprove the T-zone use, or remand the determination to the planning and zoning commission with instructions for its consideration.

(GAAB 21.05.050.S; AO No. 77-355; AO No. 79-25; AO No. 85-23; AO No. 85-91, 10-1-85; AO No. 88-59(S); AO No. 88-171(S-1), 12-31-88; AO No. 98-160, § 10, 12-8-98; AO No. 99-62, § 28, 5-11-99; AO No. 2005-185(S), § 26, 2-28-06; AO No. 2005-124(S-1A), § 28, 4-18-06; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 12, 10-23-07; AO No. 2010-50(S), § 23, 8-31-10)

### **21.40.250 PC planned community district.**

The following statement of intent and use regulations shall apply to the PC district:

#### *A. Intent.*

1. The planned community district is intended to provide a system of land use regulation for large tracts of land which are under unified ownership or development control. The purpose of this district classification is to provide for and allow flexibility in the selection of land use controls for the specific site proposed for PC district classification while protecting the public health, safety and welfare by ensuring that the development will be consistent with the comprehensive plan and the holding capacity of the land.
2. A PC district ordinance establishes the design and character of the development permitted within the district by specifying certain land use controls as part of the zoning map amendment process, or the PC district ordinance establishes a holding zone classification, where the design and character of development permitted within the district will be determined subsequently. The design and character of permitted development are determined in accordance with an approved master development plan.

3. Where land is placed in the PC district other than in connection with an owner-initiated zoning map amendment, the owner has the right to submit a master plan under the procedures and standards of section 21.20.060 for recommendation by the planning and zoning commission and approval by the assembly. Upon approval, such a master plan has the effect of a master plan submitted as a part of a rezoning initiated by the owner. Absent such a master plan the PC district shall be restricted to the uses and regulations as specified in the R-8, rural residential district.

4. Any use or conditional use may be permitted in a planned community district, as provided in the ordinance establishing a particular PC district. Any use not permitted by the ordinance creating the PC district is prohibited. After a particular parcel has been designated as a PC district, development area plans consistent with the master development plan must be proposed and obtain approval before any development of the parcel may be undertaken. Actual development of the parcel may be incremental but must be in accordance with the approved development area plans.

#### *B. Mandatory concept review.*

1. *Purpose of preapplication conference.* The purpose of the preapplication conference is to:
  - a. Provide an opportunity for the proponents of a PC district classification for a particular parcel of property to explain the concept of their development to municipal officials;
  - b. Permit municipal officials to explain to the developer the requirements of municipal land use laws and the potential impacts of currently adopted plans; and



- c. Permit municipal officials to outline the concerns of the municipality about the potential hazards inherent in the development of wetlands, steep slopes and hazard areas and about conserving marginal lands and open spaces with environmental value.
    - (5) Access to and within the site, including roads, peripheral roads, trails and sidewalks.
    - (6) A depiction of the area surrounding the proposed PC district within 300 feet.
    - (7) Soils and surface geology.
2. *Submittal requirements for pre-application conference.* Mandatory submittal requirements for the pre-application conference are as follows:
- a. Written documents:
    - (1) Legal description.
    - (2) Goals and objectives of the development.
    - (3) An explanation of any unique features of the area proposed for the PC district.
  - b. Sketch plans and supporting maps, including existing site condition maps showing:
    - (1) Topography showing contour lines at intervals of ten feet or less.
    - (2) Water features showing the location of streams, lakes, wetlands and drainage courses, including location of floodplain areas.
    - (3) Existing vegetation, showing stands of trees and shrubs, and ground cover, and a description thereof.
    - (4) Location of known and existing facilities and structures such as buildings, water lines, sewage system, utility easements of record or in use, excavations, bridges, culverts, storm drain systems, natural drainageways and wells.
3. *Preapplication conference comments.* The appropriate municipal departments will review the preapplication submittal materials and provide written comments to the applicant not more than 30 days after the date of the conference. The comments will advise the applicant on the consistency of the proposal with the intent of the PC district and with adopted municipal plans, laws and regulations and on the compatibility of the proposed development with the surrounding area.
- C. *Standards for master development plan.*
- 1. The master development plan shall establish for the PC district general development standards for the following:
    - a. The uses to be permitted;
    - b. The total number of dwelling units;
    - c. The total amount of commercial, industrial and office floor area;
    - d. Principal drainage systems or drainage requirements;
    - e. Principal circulation elements;
    - f. Open space, and seasonal maintenance of open space;
    - g. Public facilities (schools, playgrounds, fire stations, etc.); and
    - h. Such other requirements as may be applicable to the establishment of the particular district.

2. The master development plan shall establish for each development area basic development standards, including but not limited to:
    - a. Permitted, accessory and conditional uses.
    - b. Minimum lot size.
    - c. Minimum yard requirements.
    - d. Maximum lot coverage.
    - e. Maximum height of structures.
    - f. Signs.
    - g. Parking.
    - h. Loading.
    - i. Open space and landscaping.
    - j. Vehicular and pedestrian circulation.
    - k. The total number of dwelling units or total gross building area of commercial or industrial structures.
  3. The development standards may be established by setting forth for each use category specific standards or by making reference to existing use district standards in this chapter and chapter 21.45. If standards are not specified the most similar use district standards shall apply.
  4. When the master plan has been approved, the developer shall report to the department of community planning and development when construction under the master plan will begin, and a general estimate of the time construction will be completed.
  5. The department of community planning and development may request periodic reports on the progress of construction under the master plan from the developer, and shall report any failure to respond to the planning and zoning commission.
- D. *Development area plans.* Development areas are portions of the property subject to the PC district classification which are designated in the master development plan for a particular use. Before development can take place in those areas, specific development area plans must be proposed and approved. Approval of development area plans may be obtained under any of the following procedures:
1. Conventional subdivision.
  2. Cluster housing subdivision.
  3. Planned unit development.
  4. Approval of a conditional use permitted under the particular PC district classification.
- E. *Land clearing.*
1. No building or structure shall be constructed or placed on the property and no existing vegetation on the property shall be cleared or otherwise disturbed except where depicted on and in accordance with an approved master development plan and development area plan; provided that the director of community planning and development may approve specific limited clearing of vegetation for utility placements, access road construction, soil testing, well drilling or surveying, or for the collection of other data necessary for plan approvals, when, in his opinion, it does not circumvent the intent of this section.
  2. The developer of the PC district shall notify the department of community planning and development prior to any land clearing for an area greater than 2,500 square feet. Notice shall be given seven days in advance of the land clearing and shall identify the location of the land clearing.
- F. *Amendment of master development plan or district map.*
1. *Approval by assembly.* Approval of a zoning map amendment by the assembly in accordance with chapter

21.20 is required for the following amendments of the master development plan or map for a district:

- a. Any increase in the total number of authorized dwelling units.
  - b. Any decrease in the total open space acreage.
  - c. Any increase in the total gross building area of commercial or industrial structures.
  - d. Any addition or deletion of any permitted principal use, conditional use or accessory use.
  - e. Any changes in the development standards for an individual development area.
  - f. Any density transfer that will result in a 25 percent or greater cumulative increase or decrease in the number of dwelling units in any development area.
  - g. Any change in the acreage of a development area equal to or more than 25 percent of the total acreage of the development area.
2. *Approval by planning and zoning commission.* Approval by the planning and zoning commission is required for the following amendments of the master development plan of a planned community district:
- a. Any transfer of density between development areas that will result in a cumulative increase or decrease of more than ten percent but less than 25 percent in the number of dwelling units in any development area.
  - b. Any change in the acreage of a development area equal to more than ten percent but less than 25 percent of the total acreage of the development area.
3. *Approval by director of community planning and development.* Approval by the director of community planning and development is required for the following amendments of the master development plan of a planned community district:
- a. Any transfer of density between development areas that results in a cumulative increase or decrease of ten percent or less in the number of dwelling units in any development area.
  - b. Any change in the acreage of a development area equal to ten percent or less of the total acreage of the development area.
4. *Appeals.* All decisions of the planning and zoning commission and director of community planning and development on master plan amendments shall be final unless appealed by the petitioner within 15 days:
- a. To the assembly from action of the planning and zoning commission. The assembly shall grant or deny the appeal by resolution.
  - b. To the planning and zoning commission from action of the director of community planning and development. An appeal to the commission under this subsection shall be treated as an original amendment application.
- G. *Identification of district on zoning map.*
1. Any PC district shall be identified on the zoning map by the letters "PC" followed by the ordinance number establishing the district. Any ordinance or resolution amending a PC district also shall be referenced on the zoning map by ordinance or resolution number.
  2. Amendments to the PC district approved by the planning and zoning commission shall be referenced on the zoning map by commission resolution number as illustrated: PZC 83-144.

3. Amendments to the PC district approved by the director of community planning and development shall be referred on the zoning map by date as illustrated: DCPD (5/20/83).

(AO No. 84-14; AO No. 94-178, § 1, 10-25-94)

#### **21.40.260 AF antenna farm district.**

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

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

- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows: Type 1, 2, 3, and 4 community interest tower and local interest towers, with a maximum of three per lot or tract, and a maximum of 200 feet in height.
  1. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
  1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures.
  2. One dwelling unit.

- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
  1. Community interest and local interest towers, more than three per lot or tract.

2. Community interest and local interest towers greater than 200 feet in height.

3. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.

4. Utility wind energy conversion systems, subject to the requirements of section 21.50.480.

- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
  1. 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, radiation, humidity, heat or glare at or beyond any lot line of the lot on which it is located. The term "excessive" is defined for the purpose of this subsection as to 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.
  2. Storage or use of mobile homes or quonset huts.

- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
  1. Width: 120 feet.
  2. Area: Two acres.

1. Community interest and local interest towers, more than three per lot or tract.

1. Width: 120 feet.
2. Area: Two acres.

- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: 50 feet.
  2. Side yard: 25 feet.
  3. Rear yard: 25 feet.
- H. *Maximum lot coverage.* Maximum lot coverage is 50 percent.
- I. *Maximum height of structures.* Maximum height of structures is 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, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the supplementary district regulations.
- M. *Landscaping.*
1. *Lot lines adjoining residential district.* Buffer landscaping shall be planted or a screening structure placed and visual enhancement landscaping planted along each lot line adjoining a residential district.
  2. *Lot lines adjoining commercial district.* Visual enhancement landscaping shall be planted along each lot line adjoining a commercial district.
  3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(AO No. 88-147(S-2); AO No. 99-62, § 29, 5-11-99; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 24, 8-31-10)

#### **21.40.270 MC marine commercial district.**

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

- A. *Intent.* The MC district is intended primarily for water-dependent and water-related use as permitted principal uses, with water-related uses being considered as conditional uses. Emphasis is on development flexibility of water-dependent and water-related commercial uses and on public access to the waterfront and Ship Creek.
- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:
1. Tugboat, fireboat, pilot boat, Coast Guard and similar services.
  2. Marine police, harbormaster and other marine enforcement agencies.
  3. Harbor and marine supplies and services and ship supply such as fueling and bunkering of vessels.
  4. Marine transport services, including ferries, public landings and boat launches, commercial vessel berthing, excursion services, hovercraft and boat rentals.
  5. Marine repair yards, boat fabrication and marine machine shops.
  6. Recreational and commercial fishing and boating facilities.
  7. Aids to navigation.
  8. Wharves, docks, ramps and piers.
  9. Public uses including pedestrian parks, trails and other similar pedestrian spaces which provide public access to the waterfront.
  10. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:

1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses and structures.
2. Dwellings located other than at street level.
3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
4. One free-standing small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
5. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.

D. *Conditional uses.* Subject to the requirements of the conditional use and site plan standards and procedures of sections 21.15.030 and 21.50.020, the following uses may be permitted:

1. Conditional uses with standards in section 21.50.290:
  - a. All principal permitted uses in the B-3 general business district, subject to the definition of water-dependent or water-related.
  - b. Marine- or fishing-related retail and service establishments, including restaurants.
  - c. Cold storage and ice processing for marine products.
  - d. Professional, business or general offices which are marine- or fishing-related.
  - e. Utility substations, including sewage collection and pumping

stations, water pumping stations and transformer stations.

- f. Marine museums, aquariums, fisheries centers and the like.
- g. Educational facilities, marine research centers and research laboratories for marine products, resources and physical or biological characteristics of the marine environment.
- h. Off-street parking and parking structures;
- i. Uses not listed above which must locate next to the water because of a demonstrated dependency or relationship to the water.
- j. Hotels and motels.
- k. Dwellings as the majority portion of a mixed use development and located at other than street level.
- l. Unlicensed nightclub, provided such nightclub conforms to the requirements of section 21.45.245.

2. Conditional uses with general standards in Section chapter 21.50:

- a. Non-water-dependent uses which are temporary and do not preclude the timely uses of the site for water-dependent uses when a need arises, for example, parking and open storage.
- b. Boat storage facilities.
- c. Aquaculture.
- d. Liquor stores accessory to a hotel or motel, restaurants, tea-rooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with section 21.50.160. Alcoholic beverage license use for a restaurant or

eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in section 21.50.500.

- e. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
  - f. Two or three free-standing small wind energy conversion systems, subject to the requirements of section 21.50.470.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
- 1. The outdoor storage or display of any scrap, junk, salvaged or second-hand materials, or any salvage yard or salvage operation.
  - 2. Storage or use of mobile homes.
  - 3. Automobile, truck and heavy equipment repair, service and storage.
  - 4. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.
  - 5. 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. The term "excessive" is defined for the purpose of this subsection as to 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.* Minimum lot requirements are as follows:
- 1. Residential uses: As provided in section 21.40.060.F.
  - 2. All other uses, including residential uses associated with other uses:
    - a. Area: 6,000 square feet.
    - b. Width: 50 feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
- 1. Residential: As provided in section 21.40.060.G.
  - 2. All other uses:
    - a. Front yard: Ten feet.
    - b. Side and rear yard: None, except that, if a side or rear yard is provided, it shall be not less than five feet in width, or 40 feet in width if the side or rear yard abuts the bulkhead.
- H. *Maximum lot coverage.* Maximum lot coverage is as follows:
- 1. Residential uses: As provided in section 21.40.060.H.
  - 2. All other uses: Unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 90 feet mean sea level (MSL), except that no structure shall exceed the standards of section 21.65.050.
- J. *Signs.* Signs shall 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, subject to the provisions of the supplementary district regulations.
- L. *Loading areas.* Commercial site loading and service areas shall be located on the building's inland face, or away from the visual line to the inlet.
- M. *Refuse collection.* Refuse collection facilities shall be screened in accordance with the supplementary district regulations. No refuse screening structure shall be visible from the bulkhead or a public street.
- N. *Landscaping.*
  - 1. *Visual enhancement landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
  - 2. *Buffer landscaping.* Buffer landscaping shall be provided along lot lines abutting residential districts.
  - 3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(AO No. 98-160, § 11, 12-8-98; AO No. 99-62, § 30, 5-11-99; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2007-121(S-1), § 13, 10-23-07; AO No. 2010-50(S), § 25, 8-31-10)

**21.40.280 MI marine industrial district.**

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

- A. *Intent.* The MI district is intended primarily for a mix of marine commercial and light industrial manufacturing, processing, storage, wholesale and distribution operations that are water-dependent and water-related.
- B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:
  - 1. All uses which are permitted uses in the marine commercial district.

- 2. Marine industrial welding and fabricating.
- 3. Shipbuilding and facilities for construction, maintenance and repair of vessels.
- 4. Cargo handling facilities, including docking, loading and related storage.
- 5. Facilities for processing of products harvested from the ocean.
- 6. Seafood packaging, packing, loading and distribution facilities.
- 7. Fabrication, storage and repair of fishing equipment.
- 8. Facilities for marine construction and salvage.
- 9. Facilities for marine pollution control, petrochemical cleanup and servicing of marine sanitation devices.
- 10. Fabrication of marine-related goods.
- 11. Warehousing and storage of goods which are awaiting shipment via marine cargo carriers.
- 12. Uses not listed in this subsection which must locate next to the water because of a demonstrated dependency or relationship to the water or waterborne transport.
- 13. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."

- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
  - 1. Accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses and structures are permitted.



2. In the same structure with a permitted principal use, one dwelling unit may be occupied as an accessory use.
  3. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
  4. One free-standing small wind energy conversion system by administrative site plan review and subject to the requirements of section 21.45.410.
  5. Building-mounted small wind energy conversion systems by administrative site plan review and subject to the requirements of section 21.45.410.
- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of sections 21.15.030 and 21.50.020, the following uses may be permitted:
1. Facilities for combined marine and general construction.
  2. Marine products and wholesaling.
  3. Non-water-dependent uses which are temporary and do not preclude the timely use of the site for water-dependent uses when a need arises, for example, parking and open storage.
  4. Off-street parking and parking structures.
  5. All principal permitted uses in the I-2 heavy industrial district, subject to the definition of water-dependent or water-related and section 21.50.290.
  6. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
  7. Two or three small wind energy conversion systems, subject to the requirements of section 21.50.470.
  8. Utility wind energy conversion systems, subject to the requirements of section 21.50.480.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. Dwellings, except as provided under subsection C of this section as permitted accessory uses and structures, and under subsection D of this section as conditional uses.
  2. Hotels, motels, roominghouses or lodginghouses, and mobile home parks.
  3. Junkyards.
- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Area: 6,000 square feet.
  2. Width: 50 feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Front yard: Ten feet.
  2. Side and rear yard: None, except that, if a side or rear yard is provided, it shall be not less than five feet in width, or 40 feet in width if the side or rear yard abuts the bulkhead.
- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is unrestricted.
- I. *Maximum height of structures.* Maximum height of structures is 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 supplementary district regulations.
- K. *Parking.* Adequate off-street parking shall be provided in connection with any permitted use, with the minimum for each use to be as provided in the supplementary district regulations.
- L. *Loading facilities.* Off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Refuse collection.* Where applicable, refuse collection facilities shall be provided in accordance with the supplementary district regulations.
- N. *Landscaping.*
  - 1. *Lot lines adjoining commercial district.* Visual enhancement landscaping shall be planted along each lot line adjoining a commercial district.
  - 2. *Lot lines adjoining residential district.* Buffer landscaping shall be planted or a screening structure placed and visual enhancement landscaping planted along each lot line adjoining a residential district.
  - 3. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(AO No. 99-62, § 31, 5-11-99; AO No. 2006-64(S-1), §§ 2, 3, 12-12-06; AO No. 2010-50(S), § 26, 8-31-10)

**21.40.290 gR-1 (Alyeska Highway Mixed Residential) District.**

(a) *Location.* The gR-1 district is located in two sections along Alyeska Highway from just north of the railroad to just past the junction with Crow

Creek Road and encompasses already-sewered, established and largely developed residential neighborhoods characterized generally by single-family detached and two-family development.

(b) *Intent.* The intent of this district is to continue the existing pattern of development as dwelling units are constructed on the remaining undeveloped lots, and to permit development of hostels, inns and multiple-family housing. (AO No. 2005-81(S), § 3, 11-1-05)

**21.40.300 gR-2 (Single-Family/Two-Family Residential) District.**

(a) *Location.* The gR-2 district is located in the following three areas:

- (1) The Mine Roads area west of Alyeska Highway, just north of the railroad;

- (2) South of Alyeska Highway, west of Timberline Drive; and
- (3) Alyeska Basin Subdivision, lying north and south of Alyeska Highway, at the base of Mt. Alyeska.

(b) *Intent.* These are established and largely developed residential neighborhoods characterized by single-family detached and two-family development. The intent is to allow development to continue in a manner consistent and compatible with existing development patterns.

(c) *District-specific standards.* Nonresidential uses may be allowed as provided in Table 21.09.050-1, but shall be allowed only on central sewer, not septic systems.  
(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.310 gR-2A (Single-Family/Two-Family Residential—Crow Creek Road) District.**

(a) *Location.* The gR-2A district is located on both sides of Upper Crow Creek Road in Crow Creek Valley, just south of the Girdwood Mine.

(b) *Intent.* This area consists of an established, sparsely-developed residential neighborhood characterized by single-family detached development. The intent of this district is to allow development to continue in a manner consistent and compatible with existing development patterns.

(c) *Federal patents to mineral estate and valid state and federal mining claims.* The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

(d) *District-specific standards.* In spite of section 3.a. below [section 21.09.040.B.3.a.], commercial vehicles, shipping containers, construction equipment, and the like may be stored outdoors in this district.  
(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.320 gR-3 (Single-Family/Two-Family Residential) District.**

(a) *Location.* Discrete areas of the gR-3 district are located in the following areas:

- (1) West of Alyeska Highway, west of the gR-1 district and west of the Mine Roads portion of the gR-2 district; and
- (2) Both east and west of Crow Creek Road.

(b) *Intent.* The gR-3 district is found in a number of areas and consists of undeveloped land designated primarily for single-family detached and two-family development, although other types of residential uses and visitor accommodations may be allowed pursuant to the master planning process and Table 21.09.050-1.

(c) *Area master planning required.*

- (1) Prior to subdivision or development of any portion of this district, area master planning is required pursuant to section 21.09.030E.
- (2) Uses allowed in this district are set forth in Table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.
- (3) Dimensional standards, site development and design standards, and building design standards for this district are set out in sections 21.09.060, 21.09.070, and 21.09.080, respectively. Area master planning shall not change those standards.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.330 gR-4 (Multiple-Family Residential) District.**

e. *gR-4 (Multiple-Family Residential) District.*

(a) *Location.* The district consists of two already-developed areas at the base of Mt. Alyeska, two, small already-developed areas on the west side of Alyeska Highway, and an area south of Alyeska Highway, just east of Glacier Creek.

(b) *Intent.* The intent for the gR-4 district is to continue the existing pattern of multiple-family development on sewers. Single-family and two-family development is allowed on existing lots of less than 20,000 square feet.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.340 gR-5 (Multiple-Family Residential) District.**

(a) *Location.* The gR-5 district consists of two areas which are:

- (1) West of Crow Creek Road, just north of California Creek; and
- (2) East of Crow Creek Road, west of Glacier Creek.

(b) *Intent.* This district is intended for multiple-family development on sewers.

(c) *District-specific standards.*

- (1) *Minimum density.* The minimum density for residential development where public sewer is available, shall be five dwelling units per acre.
- (2) *Single-family development in gR-5.* One single-family structure is allowed on a parcel only where public sewer is not available. Minimum lot size shall be 50,000 square feet. Subdivision is prohibited for the purpose of providing single-family development.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.350 gC-1 (Seward Highway/West Alyeska Highway Commercial) District.**

(a) *Location.* The gC-1 district consists of land located north of the Seward Highway, west of the Alyeska Highway, and south of the railroad at the entrance to Girdwood Valley, containing approximately 23 acres.

(b) *Intent.* The overall design goal for this district shall be to create a mix of rail, bus, trail, and highway-related commercial uses. This district may be a possible site for a passenger terminal, trailhead for the Iditarod Trail and/or a transfer point between private autos and carpools, buses, or other forms of transportation. The dis-

trict contains intertidal and high value freshwater wetlands, and also has high visibility. Consequently, the master plan for this district needs to carefully consider both environmental and community aesthetics. This district shall become an attractive gateway to Girdwood Valley, with visual character appropriate to the entry to a mountain resort community. Landmark-quality elements are encouraged in any development visible from the highways, and the design of larger buildings shall make every effort to reduce the perception of building mass and make the building appear to be an aggregation of smaller, simple forms.

(c) *Development master planning required.*

- (1) Prior to subdivision or development of any portion of this district, development master planning is required pursuant to section 21.09.030F.
- (2) Subject to section 21.09.030F, the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.
- (3) Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

(d) *District-specific standards.*

- (1) The facade of any retail commercial development or multimodal facility facing the Seward Highway or Alyeska Highway shall avoid a "back-door" appearance.
- (2) Building and landscape materials typical of Girdwood, such as natural wood, native trees and flowers, and local stone, shall be emphasized.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.360 gC-2 (Girdwood Station/Seward Highway Commercial) District.**

(a) *Location.* The gC-2 district is comprised of land on the east side of Alyeska Highway, west of Dawson Street, at the intersection of the Alyeska Highway with the Seward Highway. The district fronts both highways.

(b) *Intent.* The gC-2 district, along with the gC-1 district, constitutes the entry to Girdwood Valley and shall be developed as part of an attractive gateway to a mountain resort community. Because of the proximity to the Seward Highway, residential uses are not appropriate in this district. Landmark-quality elements are encouraged in any development visible from the highways, and the design of larger buildings shall make every effort to reduce the perception of building mass and make the building appear to be an aggregation of smaller, simple forms.

(c) *District-specific standards.* Building and landscape materials, such as natural wood, native trees and flowers, and local stone, shall be emphasized.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.370 gC-3 (Old Townsite Commercial/Residential) District.**

(a) *Location.* The gC-3 district is comprised of the land north of the gC-2 district, east of the Alyeska Highway, south of the Alaska Railroad, and west of Glacier Creek at the entrance to Girdwood Valley.

(b) *Intent.* This district reflects the development pattern of early Girdwood, with a mix of houses and small businesses on small lots creating the appearance of a small, historic town. There are still many vacant lots in this district to be developed with either residences or small commercial and craft-oriented businesses to retain the unique scale and visual quality of this district.

(c) *District-specific standards.*

- (1) *Residential character.* To maintain overall neighborhood integrity, new nonresidential development in the old townsite shall have a residential character, even though the zoning permits commercial uses. Elements of residential character in the old townsite include predominantly pitched roofs, porches and protected entryways, rectangular and vertically oriented windows recessed into the exterior wall or window trim, no blank walls, and special attention to the detailing of windows, doors, porches and protected entries on the ground floor. Siding and trim shall be

traditional residential, in appearance, and avoid materials associated with industrial uses.

- (2) *Parking.* On-street parking may satisfy parking requirements; excessive on-site parking is discouraged. Up to 50 percent of the width of the front setback may be used for parking, provided parking areas allow for sidewalks so pedestrians may comfortably and safely walk by parking stalls.

- (3) *Accessory structures and outdoor storage.* Uses shall adhere to residential district standards for outdoor storage and accessory structures.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.380 gC-4 (Lower Alyeska Highway Commercial) District.**

(a) *Location.* The gC-4 district consists of three commercially developed lots located on the west side of Alyeska Highway, south of Crow Creek Road, surrounded by residential uses.

(b) *Intent.* This district permits continued commercial use or a variety of residential uses. Use and redevelopment of the lots in this district shall protect the visual quality of the Alyeska Highway corridor by maintaining and enhancing the predominantly natural character of views along the highway.

(c) *District-specific standards.* Removal of existing vegetation shall be in accordance with section 21.09.070D.4.b.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.390 gC-5 (New Townsite South Commercial) District.**

(a) *Location.* The gC-5 district consists of previously-platted land between Glacier Creek and California Creek, south of Alyeska Highway, owned, at the time this chapter is adopted, by the Municipality. Although this district is identified as a commercial district, it also includes park, open space, and institutional lands, with boundaries proposed to be modified through a detailed master plan process.

(b) *Intent.* This district is the southern extension of the new townsite. Development in this district is intended to include a blending of commercial, institutional and park uses, with new and modified access routes established. Small commercial lots are anticipated along the extension of south Hightower, where a main street character, similar to the north townsite area, is intended. This may differ from larger lot commercial development at the south end of the commercial district, where a larger structure (grocery store) is anticipated. Although buildings are likely to be larger than in new townsite areas north of the Alyeska Highway, the desired character is expected to be compatible with Girdwood's mining town origins, using elements such as human-scale building massing; varied rooflines: protected entries; traditional window forms: well-detailed retail frontages; and use of natural materials.

(c) *Area master planning required.*

- (1) Prior to subdivision or development of any portion of this district, area master planning is required pursuant to section 21.09.030E.
- (2) Uses allowed in this district are set forth in Table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.
- (3) Dimensional standards, site development and design standards, and building design standards for this district are set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively. Area master planning shall not change those standards.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.400 gC-6 (Crow Creek Road Commercial/Residential) District.**

(a) *Location.* The gC-6 district is located north of Alyeska Highway, along both sides of lower Crow Creek Road, and along Hightower Road north of the new Townsite.

(b) *Intent.* The intent for this district is to continue the existing pattern of mixed residential and commercial uses, while allowing expansion of the new townsite core.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.410 gC-7 (Townsite Square Commercial) District.**

(a) *Location.* The gC-7 district is a square block located north of the Alyeska Highway, bounded by Hightower Road, Lindblad Avenue, Holmgren Place, and Girdwood Place. This district presently consists of small lots developed with commercial uses.

(b) *Intent.* This district is intended to be the commercial core of Girdwood, with commercial uses developed at street level; although residential dwelling units may be constructed over the ground floor commercial uses. Buildings shall be at human scale and relate strongly to both the street front and to the town square park, in order to support the park as a public amenity. Site development shall provide strong pedestrian connections to neighboring lots.

(c) *District-specific standards.*

- (1) *Building orientation.* Buildings shall be oriented perpendicular to, or parallel with, public streets and to other buildings.
- (2) *Double-loaded or double-sided commercial.* Buildings with frontage on Town Square Park shall be designed and constructed so ground floor commercial, retail and/or restaurant establishments shall have public/customer spaces and a public entrance facing Town Square Park, as well as on the front side.
- (3) *Rear setbacks and relationship to Town Square Park.* Uses allowed in the rear setback, facing Town Square Park, shall focus on public activity rather than being fully private or service areas. Outdoor spaces and structures, such as terraces, porches, and decks, may encroach into the rear setback. Service areas or mechanical equipment in the rear are discouraged and, if unavoidable, shall be screened from the park.

- (4) *Side setbacks along public rights-of-way accessing Town Square Park.* Building or structural improvements are allowed within the side setback if related to the public space, under the following standards:
- No blank building walls or sight-obstructing fences are allowed.
  - There shall be at least one building public entry facing the public access right-of-way, with a connecting walkway.
  - The side of the building facing the public access right-of-way shall meet the design standards for store fronts in subsection 21.09.080F.2.f.
  - Non sight-obscuring fences, such as picket fences, and garden gates no higher than 42 inches in height are allowed.
- (5) *Fences.* Privacy walls or fences, that shall match the materials of the principal building on the lot, are permitted only around private terraces on the ground floor, or to screen service areas. Fences bordering the public rights-of-way into Town Square Park are permitted subject to subsection (D), above.
- (6) *Snow storage areas.* Snow storage areas in the side and rear setbacks shall be designated to not interfere with or damage public spaces or passageways between buildings.
- (7) *Parking.* In addition to the more generally applicable standards for parking, development in the gC-7 district is subject to the new townsite parking provisions of subsection 21.09.070K.3. Driveways are prohibited along side setbacks adjoining the public rights of way accessing Town Square Park.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.420 gC-8 (New Townsite North Commercial) District.**

(a) *Location.* The gC-8 district is located north of Lindblad Avenue, on both sides of Hightower Road. This district includes the Girdwood Post Office and neighboring lots to the north, east, and west.

(b) *Intent.* The intent of this district is for northward commercial and residential expansion of the new townsite core. Buildings shall continue the human scale and physical character of the new townsite core, and maintain a strong relationship to the street. Properties along Hightower Road shall express a visible transition from the built-up environment around town square to a more forested landscape along the northern extension of Hightower Road. Residential dwelling units are permitted on upper floors above ground-floor commercial uses.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.430 gC-9 (East Hightower Commercial/Residential) District.**

(a) *Location.* The gC-9 district is located north of Alyeska Highway, east of Hightower Road and west of Glacier Creek. This district presently is a mix of commercial and residential uses.

(b) *Intent.* It is intended to provide expansion area for the new townsite core, continuing a mixture of multiple-family residential and commercial uses. Buildings shall be at human scale. Site development shall have strong street orientation and provide pedestrian connections to neighboring lots.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.440 gC-10 (Upper Alyeska Highway Commercial) District.**

(a) *Location.* The gC-10 district is an undeveloped portion of a residentially developed subdivision. This district is located on the south side of Alyeska Highway, west of Timberline Drive.

(b) *Intent.* The intent of this district is to permit development of a limited range of non-retail commercial uses along with residential uses in a manner compatible with the surrounding residential land use.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.450 gI-1 (Ruane Road Industrial) District.**

(a) *Location.* The gI-1 district consists of the Ruane industrial area east of lower Alyeska Highway.

(b) *Intent.* This largely undeveloped area is intended to contain the industrial uses necessary for the future development of Girdwood. In addition, commercial uses requiring large areas for storage, or with potentially more substantial visual and noise impacts than appropriate for the Girdwood commercial districts, are permitted in this district.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.460 gI-2 (Upper Crow Creek Industrial) District.**

(a) *Location.* The gI-2 district is an active commercial mine at the upper end of Crow Creek Road.

(b) *Intent.* The intent for this district is to permit continuation of existing mining activities and accessory activities thereto.

(c) *Federal patents to mineral estate and valid state and federal mining claims.* The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.470 GRST-1 (Original Mountain Base Resort) District.**

(a) *Location.* The GRST-1 district consists of the original Alyeska Resort base area, currently in multiple ownership, and already largely developed with commercial uses generally related to the alpine ski facility.

(b) *Intent.* The intent of this district is to continue its use as an alpine ski resort base area, particularly for day skiers.

(c) *Development master planning required.*

- (1) Prior to any development of over 20,000 square feet gross floor area, development master planning is required pursuant to section 21.09.030F.
- (2) Uses allowed in this district are set forth in Table 21.09.050-1. Development master planning shall not change the allowed uses in this district, unless the master

plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.

- (3) Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.
- (4) Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.480 GRST-2 (New Base Resort) District.**

(a) *Location.* The GRST-2 district consists of the Alyeska Resort ski slopes, the Alyeska Prince Hotel and adjoining parking area, the undeveloped area between the original mountain base area and the Alyeska Prince Hotel, and an undeveloped area lying north of the Alyeska Prince Hotel, across Moose Meadows Creek. The latter area is suitable for a future resort base development.

(b) *Intent.* The intent of this district is to maintain and expand upon the current development for alpine skiing and tourism.

(c) *Area master planning and development master planning required.*

- (1) *Area master planning.*
  - a. Prior to any development of over 20,000 square feet gross floor area, area master planning is required pursuant to section 21.09.030E.
  - b. Uses allowed in this district are set forth in Table 21.09.050-1. Area master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.



- (2) *Development master planning.*
- a. Prior to any development of over 20,000 square feet gross floor area, development master planning is required pursuant to section 21.09.030F.
  - b. Uses allowed in this district are set forth in Table 21.09.050-1. Development master planning shall not change the allowed uses in this district, unless the master plan is adopted concurrently with amendments to the Girdwood Area Plan and this chapter.
  - c. Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.
  - d. Development proposals that are part of an approved development master plan are exempted from the review and approval requirements of table 21.09.050-1, except when required as a condition of approval.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.490 GA (Girdwood Airport) District.**

(a) *Location.* The GA district consists of State of Alaska-owned property where the Girdwood airport is currently located. The airport property is located north of Alyeska Highway and straddles Glacier Creek. The airport facility itself is on the east side of Glacier Creek, but much of the airport property is either wetlands or river floodway

(b) *Intent.* The intent of this district is for continuation of uses that are primarily aviation related, but also for wetlands and river floodway to be minimally disturbed by development within this district.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.500 GOS (Girdwood Open Space) District.**

(a) *Location.* The GOS district consists of those areas of Girdwood Valley depicted in the Girdwood Area Plan as open space because of generally

physically unsuitable or unsafe for development, and/or generally environmentally sensitive with functions or attributes to be protected. The GOS district is located throughout the valley, taking in several types of land area, including wetlands and floodplains, steep slopes and hazardous lands, as well as recommended creek greenbelt areas.

(b) *Intent.* The intent of the open space district is to protect lands left predominantly natural.

(c) *District-specific standards.* Development shall be prohibited, except as related to a recreational use listed in Table 21.09.050-1, or if authorized in an approved master plan. Transportation rights of way and utility easements may cross GOS lands.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.510 GIP (Girdwood Institutions and Parks) District.**

(a) *Location; parks designation.* The GIP (Girdwood Institutions and Parks) district consists of land in public use, or projected to be in public use, during the duration of the Girdwood Area Plan. Among other uses, the Girdwood school, the U.S. Forest Service range station and visitor center, State of Alaska highway maintenance yard, and municipal sewage treatment plant, along with both dedicated and undedicated existing and future parks, are located in this district.

Within the GIP district, parks, whether dedicated or undedicated, existing or future, are designated on the district map by "GIP-p."

(b) *Intent.* The GIP district is intended to include areas of public and quasi-public institutional uses and activities.

(c) *Federal patents to mineral estate and valid state and federal mining claims.* Some properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

(d) *Uses.*

(1) *Permitted uses.* The following uses are allowed subject to the stated limitations:

- a. Park facilities and playgrounds.

- b. Community fairs and special events, subject to obtaining any required temporary use permits.
- c. Concession facilities not larger than 500 square feet, primarily serving users of the park or open space where located.

(2) *Conditional uses.*

- a. Gallery/museum/art studio/information center.
- b. Community buildings and uses.
- c. Tent campgrounds; only in California Creek Park.
- d. Communication structures (as listed in Table 21.09.050-1).
- e. Utility facilities and utility substations.
- f. Non-motorized general outdoor recreation, commercial.
- g. Snow disposal site.
- h. Government services.

(e) *District-specific standards.*

- (1) The provisions of subsection 21.09.030D.1., minor modifications for site constraints, apply to the GIP district.
- (2) The provisions of subsection 21.09.040C.3.c., use of setbacks in commercial districts, apply to the GIP district.

(AO No. 2005-81(S), § 3, 11-1-05; AO No. 2007-150, § 2, 12-11-07)

**21.40.520 GCR-1 Commercial Recreation (Golf Course/Nordic Ski Course) District.**

(a) *Location.* The area encompassed by this district is located in lower Girdwood Valley near Glacier, California, and Virgin Creeks.

(b) *Intent.* The primary use envisioned for the district is an 18-hole resort golf course and facilities normally associated with a golf course, including a clubhouse, driving range, pro/retail shop, restaurant/food service, and similar supporting services. A Nordic ski course is also a permitted

use. Other uses associated with the course development may include limited related commercial and/or other recreational activities. Residential development may also be allowed as a secondary use, along with other outdoor recreational uses and facilities. While this district provides for commercial recreation development with related residential, the intent is to also maintain the scenic and natural beauty of the area, and to ensure development impacts are minimized. No housing or commercial development shall be constructed until after the golf course is constructed.

(c) *Area master planning and development master planning required.*

- (1) *Area master planning.* Except for uses listed in subsection d., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030.E. The plan shall address protection of important environmental features and natural habitat.

(2) *Development master planning.*

- a. Except for the three privately owned lots in this district and the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning pursuant to section 21.09.030F.
- b. Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(d) *Uses.*

- (1) *Permitted uses.* The following uses are permitted, prior to area and/or development master plan approval, subject to

compliance with all development and design standards and other applicable regulations:

- a. Public recreational trails.

- b. Single-family dwelling on Lots 1 and 13, Block 7, and Lot 1, Block 10, First Addition New Girdwood Townsite Alaska Subdivision.

(2) *Conditional uses:* The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:

- a. Community buildings and uses.
- b. Utility facilities and utility substations.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.530 GCR-2 Commercial Recreation (Glacier—Winner Creek) District.**

(a) *Location.* The area encompassed by this district is located in the upper portion of Girdwood Valley and includes municipal, as well as state-owned and selected land, in the Glacier and Winner Creek drainages and mountain massif between the two creeks. This undeveloped area is mountainous and heavily forested.

(b) *Intent.* The primary use permitted for this area is outdoor commercial recreational use, including associated resort development. While the intent of this district is to provide for commercial recreation and resort development, the emphasis is to maintain the scenic and natural beauty of the area, and to ensure development impacts are balanced with environmental concerns.

(c) *Area master planning and development master planning required.*

(1) *Area master planning.* Except for uses listed in subsection d., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E. The plan shall address protection of important environmental features and natural habitat.

(2) *Development master planning.*

- a. Except for the uses listed in subsection d., below, the uses allowed in the district, as well as the design and character of the development permitted within the district shall

be established through development master planning pursuant to section 21.09.030F.

- b. Subject to section 21.09.030F., the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(3) *Master plan standards.* Both area and development master planning standards for resort areas shall take into consideration the following:

- a. Traffic into the Four Corners area shall be minimized, and preferably restricted to some form of mass transit, such as shuttle bus, or ultimately an automated system.
- b. Any road into the Four Corners area shall be curvilinear and aesthetically designed and landscaped.
- c. Removal of trees and vegetation shall be kept to a minimum.
- d. Development shall be hidden and designed to fit in with the area.
- e. As much buffer/open space as possible shall be retained between the development and the creeks.

(d) *Uses.*

(1) *Additional development and design standards.* Due to the remote location and natural undeveloped features of this district, all permitted and conditional uses may be subject to additional design and development standards to ensure compatibility with the natural environment.

(2) *Permitted uses.* The following uses are permitted, prior to area and/or development master plan approval, subject to compliance with all development and design standards and other applicable regulations:

- a. Passive and active outdoor recreation.

b. Sno-cat skiing.

(3) *Conditional uses.* The following uses may be permitted as conditional uses, prior to area and/or development master plan approval:

- a. Community buildings and uses.
- b. Small scale lodging or shelters, not to exceed an aggregate total of 5,000 square feet gross building area.
- c. Utility facilities and utility substations.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.540 GCR-3 Commercial Recreation (Crow Creek Historic Mine) District.**

(a) *Location.* This district is located along the lower portion of Crow Creek a short distance upstream from its confluence with Glacier Creek, in the upper portion of Girdwood Valley. The area encompassed by this district contains the remains of the historic Crow Creek Mine and surrounding environs.

(b) *Intent.* The intent for this district is to allow the current uses to continue. This district contains several restored historic structures being used in a variety of ways, including historical/cultural exhibit, gift shop, overnight accommodations, social/recreational activities and owners' residences. Residences are allowed customary accessory uses, including the keeping of pets and/or livestock. Along with recreational and small commercial mining and overnight camping, these uses make this district a multi-faceted visitor attraction.

(c) *Federal patents to mineral estate and valid state and federal mining claims.* The properties in this district have federal patents to mineral estate and/or valid state and federal mining claims. Mining activity under the auspices of those patents and/or claims shall comply with relevant federal and state regulations.

(d) *Area master planning and development master planning required.*

(1) *Area master planning.* Except for the uses listed in e. below, subdivision, new devel-

opment, or major expansions of existing operations are permitted only in accord with area master planning approval pursuant to section 21.09.030E.

(2) *Development master planning.*

a. Prior to additional development, development master planning approval, pursuant to section 21.09.030F, is required in order to ensure high-quality, environmentally sensitive development in keeping with the intent of this chapter 21.09 and the character of Girdwood.

b. Subject to section 21.09.030F, the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district that are set forth in sections 21.09.060, 21.09.070, and 21.09.080 respectively.

(e) *Uses.*

(1) *Permitted uses.* The following uses are permitted subject to compliance with all development and design standards and other applicable regulations:

- a. Restoration of existing structures for uses already established on site.
- b. Three additional single-family dwellings constructed after the effective date of this chapter.
- c. Utility substations.

(2) *Conditional uses.* The following uses may be permitted as conditional uses:

- a. Community buildings and uses.
- b. Utility facilities.

(f) *District-specific standards.*

(1) *Additional development and design standards.* The single-family structures, community buildings and uses, and utility facilities shall comply with the dimensional standards for the gR-2 District (Single-Family/Two-Family Residential). Restoration of existing structures shall be based upon original design. For other new

structures, development standards shall be determined through the development master plan process.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.550 GDR Development Reserve District.**

(a) *Location.* This district consists of municipally-owned land located on the eastern side of lower Girdwood Valley, between Virgin Creek and the Seward Highway, municipally-owned land located in the upper Girdwood Valley, between Crow Creek Road and Glacier Creek, and two areas north of Glacier Creek and east of Crow Creek.

(b) *Intent.* The intent of this district is to hold lands in reserve for future development.

(c) *Prerequisites to development.* Prior to any development in this district, other than the uses permitted in subsection e., below, this district shall be revised on the Girdwood Area Plan Land Use Plan Map from development reserve to an active classification. In addition, this section shall be amended to either move the land into another district classification, or adopt specific uses and standards for development of the land in this district.

(d) *Area master planning and development master planning required.*

(1) *Area master planning.* Except for the uses permitted in subsection e., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E.

(2) *Development master planning.*

a. Except for the uses listed in subsection e., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning, pursuant to section 21.09.030F.

b. Subject to section 21.09.030F, the development master plan may change

the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(e) *Uses.*

(1) *Permitted uses prior to master planning approval.* Public trails, as depicted in an adopted trails or open space master plan.

(2) *Conditional uses prior to master planning approval.* The following uses may be permitted as conditional uses:

a. Community buildings and uses.

b. Utility facilities and utility substations.

(AO No. 2005-81(S), § 3, 11-1-05)

**21.40.560 GRR (Recreation Reserve) District.**

(a) *Location.* This district consists of municipally-owned land located in upper Girdwood Valley, between Glacier Creek on the west and the lower slope of Mount Alyeska on the east. This district is located south of the Four Corners Park and north of the areas designated for resort development. This district is generally a mixed spruce/hemlock-forested upland interlaced with extended, open, wet meadows. Because of its close proximity to current and proposed resort development areas, this district is well located to provide recreational opportunities for visitors, as well as local residents.

(b) *Intent.* The intent of this district is to hold lands in reserve for future development of recreational opportunities.

(c) *Prerequisites to development.* Prior to any development in this district, other than the uses permitted in subsection e., below, this district shall be revised on the Girdwood Area Plan Land Use Plan Map from recreation reserve to an active classification. In addition, this section shall be amended to either move the land into another district classification, or adopt specific uses and standards for development of the land in this district.

(d) *Area master planning and development master planning required.*

(1) *Area master planning.* Except for the uses permitted in subsection e., below, no subdivision or other development of land within this district shall occur before an area master plan is approved pursuant to section 21.09.030E.

(2) *Development master planning.*

a. Except for the uses listed in subsection e., below, the uses allowed in the district, as well as the design and character of the development permitted within the district, shall be established through development master planning pursuant to section 21.09.030F.

b. Subject to section 21.09.030F, the development master plan may change the dimensional standards, site development and design standards, and building design standards for this district set forth in sections 21.09.060, 21.09.070, and 21.09.080, respectively.

(e) *Uses.*

(1) *Permitted uses prior to master planning approval.* Public trails, as depicted in an adopted trails or open space master plan.

(2) *Conditional uses prior to master planning approval.* The following uses may be permitted as conditional uses:

a. Community buildings and uses.

b. Utility facilities and utility substations.

(AO No. 2005-81(S), § 3, 11-1-05)

#### **21.40.570 GW (Girdwood Watershed) District.**

(a) *Location.* The GW district consists of federally owned, state-selected land within the Crow Creek and Winner Creek watersheds.

(b) *Intent.* The intent of the watershed district is to identify remote lands generally to be left natural. The primary use of watershed land is water supply protection and recreation.

(c) *Federal patents to mineral estate and valid state and federal mining claims.* Some federal patents to mineral estate and/or valid state and federal mining claims exist in this district. Mining activity under the auspices of those plants and/or claims shall comply with relevant federal and state regulations.

(AO No. 2005-81(S), § 3, 11-1-05)

## Chapter 21.45

### SUPPLEMENTARY DISTRICT REGULATIONS\*

21.45.010	Applicability of chapter; district classes.
21.45.020	Clear vision areas.
21.45.030	Accessory buildings.
21.45.035	Accessory dwelling units (ADUs).
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	Off-street parking requirements.
21.45.090	Off-street loading requirements.
21.45.100	Residual lot area. (Repealed)
21.45.110	Fences.
21.45.115	Outdoor keeping of animals.
21.45.120	Yards.
21.45.125	Landscaping.
21.45.130	Screening along major highways.
21.45.140	Setbacks from projected rights-of-way.
21.45.150	Home occupations.
21.45.160	Signs (Repealed).
21.45.170	Uses involving sale of alcoholic beverages. (Repealed)
21.45.180	Child care services. (Repealed)
21.45.190	Cluster housing development. (Repealed)
21.45.200	Transition and buffering standards.
21.45.210	Stream protection setback.
21.45.220	Townhouse development.
21.45.230	Storm drainage.
21.45.235	Churches.
21.45.240	Location of premises where children are not allowed.
21.45.245	Standards—Nightclub, unlicensed.
21.45.250	Bed and breakfast with three or less guestrooms.
21.45.255	Bed and breakfast with four guestrooms.
21.45.260	Transient lodging facilities zoning matrix.
21.45.263	Amateur radio stations and receive only antennas.
21.45.265	Community and local interest towers.
21.45.270	Setback from planned utility transmission facilities.
21.45.275	Zero lot line subdivisions.
21.45.280	Gasoline service stations.
21.45.290	Standards for self-storage facilities and vehicle storage yards.
21.45.300	Child care homes.
21.45.310	Child care centers.
21.45.350	Large domestic animal facilities.
21.45.360	Accessory buildings in conjunction with large domestic animal facilities.
21.45.370	Adult care facilities with one through eight persons.

\***Cross references**—Exemptions from zoning regulations during period of emergency, § 3.80.110; historic preservation board, § 4.60.030; truck routes established for central business traffic district, § 9.46.400; parking in private areas, § 9.54.020; tow-away from privately owned areas, § 9.54.050; residential parking program, ch. 9.65; license required for all businesses and other commercial enterprises in municipality, § 10.05.020; fines, § 14.60.030; public nuisances, ch. 15.20; property line noise emission standards, § 15.70.080; motor vehicle noise emission standards, § 15.70.090; motor vehicle electronically amplified sound systems, § 15.70.095; tidelands, ch. 25.50; posting signs or advertising matter, § 25.70.010.



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- 21.45.380 Hospitals and nursing facilities, large residential care facilities, adult care facilities with nine or more persons.
- 21.45.390 Small residential care facilities.
- 21.45.400 Towers, high voltage transmission.
- 21.45.410 Small wind energy conversion systems.

**21.45.010 Applicability of chapter; district classes.**

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" shall apply to the R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, D-2, D-3, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11 and R-O districts. The term "industrial district" shall apply to the I-1, I-2, I-3 and MI districts. The term "business district" shall apply to the B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4 and MC districts. (GAAB 21.05.060; AO No. 83-52; AO No. 85-18; AO No. 85-173, 3-17-86; AO No. 91-90(S))

**21.45.020 Clear vision areas.**

A. As used in this section, the term "clear vision area" means a triangular space defined by a combination of the following lines for a corner lot adjacent to a street: two lot lines adjacent to a street which intersect, in fact or by extrapolation, and a line drawn across the corner of the lot so as to join the nonintersecting ends of the two lot lines at a distance of 30 feet from the point of their intersection. Within the B-2 zoning districts the curb face of the road shall be used to define the clear vision triangle.

B. No person may place within a clear vision area any structure between 2½ feet and eight feet above the nearest curb or street centerline grade, whichever is higher, except for:

1. A public utility pole.
2. A tree which is trimmed so that the trunk is bare to a height of eight feet measured from the nearest curb or street centerline grade, whichever is higher.
3. A warning sign or signal installed on the lot by a government agency.

(GAAB 21.05.060.A; AO No. 87-33(S))

**Cross references**—Vehicles and traffic, tit. 9; rules regarding right-of-way, ch. 9.18; streets and rights-of-way, tit. 24.

**21.45.030 Accessory buildings.**

A. No accessory building shall be erected or maintained in any required yard, except that:

1. Buildings accessory to a residential use may be erected in a required rear yard which is adjacent to an alley; and
2. Sheds of 150 square feet or less and not attached to a foundation may be erected in a required side or rear yard.
3. Dog runs and dog houses not attached to a foundation may be erected in a required side or rear yard.

B. No separate accessory building shall be erected closer than ten feet to any principal structure on the lot or an abutting lot or tract. (GAAB 21.05.060.B; AO No. 99-131, § 10, 10-26-99)

**Cross reference**—Building regulations, ch. 23.05.

**21.45.035 Accessory dwelling units (ADUs).**

A. *Purpose and intent.* The purpose and intent of this section is to:

1. Fulfill housing policy #15 of Anchorage 2020: Anchorage Bowl Comprehensive Plan, which provides that accessory housing units shall be allowed in certain residential zones;
2. Provide a means for homeowners, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services;
3. Allow more efficient and flexible use of existing housing stock and infrastructure;
4. Respond to changing family needs and smaller households by providing a mix of housing;
5. Stabilize homeownership and enhance property values;
6. Provide a broader range of accessible and more affordable housing within the municipality; and

7. Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this title.

*B. Application, review, and approval procedures.*

1. For the purposes of this section, owner shall mean any person named on the deed, a contract purchaser, or the beneficiary of a trust named on the deed.
2. Any owner operating or seeking to establish an ADU shall obtain a building permit from the building official; in areas of the municipality where no building permit is required, the owner shall obtain a land use permit. The permit shall constitute an ADU permit.
3. With the permit application, the owner shall submit an affidavit on a form provided by the municipality, affirming that at least one owner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this chapter.
4. The permit and the affidavit shall be filed as a deed restriction with the Anchorage Recording District to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity with the requirements of the permit and the requirements of this chapter.
5. The planning department shall receive a fee from the applicant pursuant to AMCR 21.20.007.
6. For purposes of securing financing, potential owners may request and receive a letter of pre-approval from the municipality indicating the property is eligible for an ADU permit if the potential owner completes the application process and construction in accordance with this section.

*C. Requirements.* All ADUs shall meet the following requirements:

1. *Purpose.* Requirements for accessory dwelling units address the following purposes:
  - a. Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;
  - b. Ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve yards and open space;
  - c. Provide adequate parking while maintaining the single-family residential character of the neighborhood, avoiding negative impacts to on-street parking, and minimizing the amount of paved surface on a site; and
  - d. Provide clear and flexible standards that make it practical and economical to develop accessory dwelling units that are in compliance with this code, and offer an accessible, affordable housing option to the community.
2. *Requirements for developing an ADU.*
  - a. One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single family dwelling is the sole principal structure on that lot, tract or parcel. ADUs shall be allowed in all zoning districts except R-1 and R-1A.
  - b. One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel, but only if:
    1. The lot, tract, or parcel is 20,000 square feet or greater and the ADU is attached to or above a garage and the detached single family dwelling is the only principal structure; or
    2. The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the

- detached single-family dwelling is the only principal structure.
- c. *Lot coverage.* The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.
- d. *Uses.*
1. An ADU shall not be permitted on any lot with a bed and breakfast or child care center.
  2. The owner shall occupy either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.
  3. No more than two (2) people may live in the ADU.
- e. *Building code requirements.* To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted Municipal building code standards for two-family dwellings.
- f. *Size.*
1. The gross floor area of the ADU, not including any related garage, shall be no more than 35 percent of the total gross floor area of the principal dwelling unit, but no less than 300 square feet, shall not have more than two bedrooms; and
  2. In no case shall the total gross floor area of an ADU be more than 35 percent of the total gross floor area of the principal dwelling unit, excluding the ADU and garages.
- g. *Yard setbacks.* An ADU shall not encroach into any required yard setback, except where the rear yard abuts an alley. The ADU may encroach into the rear yard setback abutting an alley.
- h. *Parking.* One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. Notwithstanding the provisions of AMC 21.55.100, all off-street parking deficiencies shall be corrected.
- i. *Design and appearance.*
1. All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.
  2. The construction of an additional entry door on the side of a principal structure facing a street for entrance into an accessory dwelling unit is prohibited, unless no other entry door already exists on that side. Entrances are permitted on the non-street-facing sides of the principal structure.
- j. *Utilities.* To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However,

lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

3. *Additional requirements for detached ADUs.*

- a. The ADU shall be at least 60 feet from the front lot line, or at least ten feet (per 21.45.030.B) behind the front plane of the principal dwelling unit.
- b. The maximum height of a detached ADU shall be 25 feet.

D. *Density.* ADUs are not included in the density calculations for a site.

E. *Expiration of approval of an ADU.* Approval of an ADU expires when:

1. The ADU is altered and is no longer in conformance with this code;
2. The property ceases to maintain the required off-street parking spaces for the accessory and/or principal dwelling units;
3. The owner of the property does not reside in either the principal or the accessory dwelling unit;
4. The ADU is abandoned by the owner through written notification to the Municipality on a form provided by the Municipality; or,
5. The property with an ADU changes ownership.

F. *Transfer.* An ADU permit is not transferable to any other property or any other person. When a property with an ADU is sold or otherwise transferred, the new owner shall file an affidavit of owner-occupancy with the planning department within 30 days of the transfer, and pay a processing fee pursuant to AMCR 21.20.007. Failure to file an affidavit by the due date constitutes failure to have a permit in violation of this section. Transfers from one owner to another owner do not require a new affidavit so long as the recipient owner signed the original affidavit.

G. *Prior illegal use.*

1. All structures which meet the definition of accessory dwelling unit which are not

recognized as legal nonconforming structures or uses of structures under Chapter 21.55 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

- a. A permit application for an ADU is submitted to the building safety division within six months of.
  - b. The unit complies with the requirements of this section.
2. If the unit does not comply with the requirements of this section at the time the permit application is filed, the administrative official may grant six months to bring the unit into conformance.
  3. In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC 14.60.030. All owners of illegal units shall also be required to either legalize the unit or remove it.
  4. This subsection does not apply to existing legal nonconforming uses of structures established pursuant to 21.55.050.

H. *Variations.* Nothing in this section guarantees any property owner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variations shall be granted from the standards and provisions of this section.

(AO No. 2003-97, § 2, 9-30-03; AO No. 2005-185(S), § 27, 2-28-06)

**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 department, public works department, traffic engineering department and department of community planning and development. (GAAB 21.05.060.C)

**21.45.050 Height regulations.**

A. The reference datum for determination of building height shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance from the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
2. An elevation ten feet higher than the lowest grade when the sidewalk or ground described in subsection A.1 of this section is more than ten feet above the lowest grade.

The height of a stepped or terrace building is the maximum height of any segment of that building.

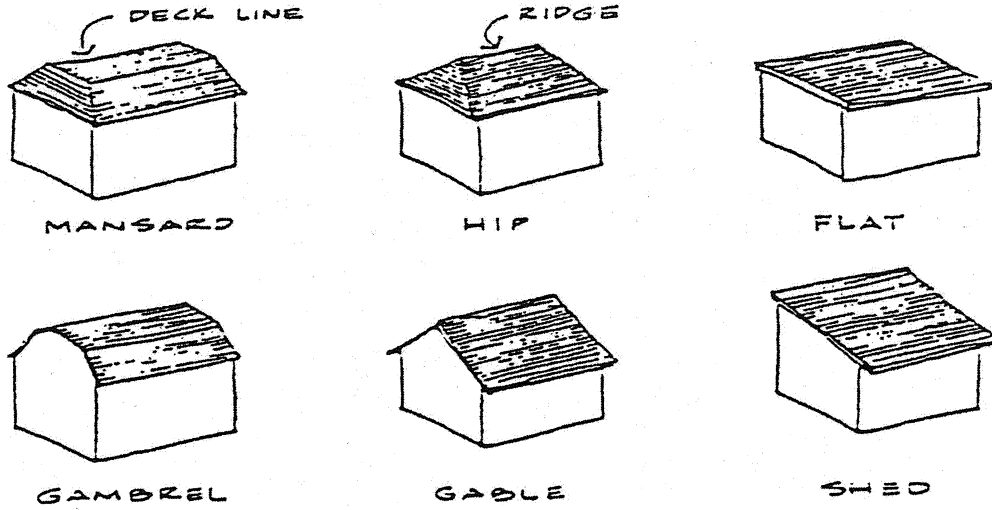


FIGURE 1. ROOF TYPES

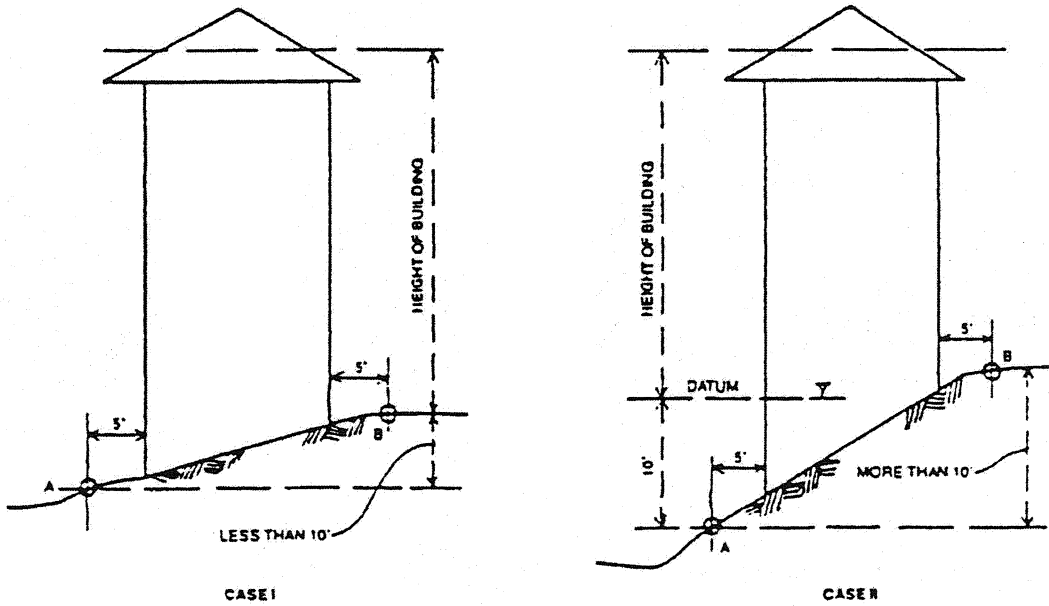


FIGURE 2. DETERMINATION OF BUILDING HEIGHT IN FEET

B. Except as specifically provided elsewhere in this title, the height limitations contained in this title do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housings 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 Regulations, part 77, Objects Affecting Navigable Airspace. (GAAB 21.05.060.D; AO No. 88-147(S-2))

**Editor's note**—Subsection A of this section was originally codified in the 1977 Code as the second sentence of subsection 21.35.020.B.14 and subsections 21.035.020.B.14.a—c.

#### 21.45.060 Fallout shelters.

A. *Generally.* Fallout 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 an 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.

B. *Conditional uses permitting construction of joint fallout shelters.* The planning and zoning 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 21.05.060.E; AO No. 77-355)

#### 21.45.070 Projections into required yards.

The following structures, if consistent with the provisions of section 21.45.030, may project into

required front, side or rear yards as specified in this section, 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 30 inches above the finished grade level.
- C. Windowsills, fireplace chases, belt courses, cornices, eaves and similar incidental architectural features may project not more than two feet into any required yard.
- D. Open fire exits may project not 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; however, notwithstanding any other provisions of this section, the garage or carport must be included in determining lot coverage.
- F. The director of community planning and development, with the concurrence of the director of public works, may permit the installation of temporary handicap access ramps in required front, side and rear yards. Ramps shall not remain installed for longer than one year from the date the permit is granted. The design and placement of the ramps shall be reviewed to:
  1. Insure the ramp has minimal visual impact on abutting properties; and
  2. Is architecturally compatible with the structure in design and bulk, and
  3. The width of the ramp does not exceed 48 inches, and
  4. That no portion, other than a handrail, shall extend higher than 36 inches above the finished grade level, unless approved by a separate building permit.



- G. Bay windows that are not more than eight feet in width where the projection breaks the plane of the wall may project no more than two feet into any required yard set back, so long as there is an eight-foot radius offset to any opposing bay window on the adjacent lot. Notwithstanding any other provisions of this title, bay windows shall not be included in determining lot coverage.
- H. An accessory dwelling unit may encroach into the rear yard setback abutting an alley.

(GAAB 21.05.060.F; AO No. 84-56; AO No. 99-131, § 11, 10-26-99; AO No. 2001-81(S-2), § 1, 9-25-01; AO No. 2003-97, § 5, 9-30-03)

**21.45.080 Off-street parking requirements.**

*A. General provisions; applicability.*

- 1. In all districts where off-street parking is required, the requirements set forth in this section shall be met and satisfactorily maintained.
- 2. Off-street parking shall be required for any new building on which construction is started after October 26, 1999.
- 3. 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.
- 4. Parking areas in the PLI district shall conform to the requirements of this title unless a variance to the parking requirements is granted by the administrative official in accordance with section 21.40.020.J.
- 5. Off-street parking shall be required for any addition or enlargement of an existing building, and for any change in the occupancy of any building that would result in additional parking space being required. The number of required parking spaces shall be that specified in this title unless it is demonstrated to the administrative official and the traffic engineer

that the addition or enlargement of the existing building, or the change in the occupancy of any proposed building, will not:

- a. increase the parking demand, and
  - b. will not reduce the total number of preexisting required parking spaces, and
  - c. the amount of the proposed off-street parking is within 90 percent of the total otherwise required for all the proposed uses and structures, including the addition or enlargement of the existing building.
- 6. The administrative official shall issue a written waiver or denial of the waiver application within 30 days of receiving an application. Applicants denied relief under subsection 5 may appeal the decision to the zoning board of examiners and appeals. The board shall not deviate from or alter the required formula under subsection 5.
  - 7. Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

*B. Dwellings and apartment buildings.*

- 1. *Single-family dwellings.*
  - a. Two parking spaces are required for each dwelling unit up to 1,800 square feet.
  - b. Three parking spaces are required for each dwelling unit over 1,800 square feet, including any unfinished area which may be converted to living area.
- 2. *Multifamily dwellings.*
  - a. One and one-fourth parking spaces are required for each efficiency unit.
  - b. One and one-half parking spaces are required for each one-bedroom unit.
  - c. One and one-half parking spaces are required for each two-bedroom unit, 800 square feet or less.

- d. One and three-fourths parking spaces are required for each two-bedroom unit, over 800 square feet.
- e. One and three-fourths parking spaces are required for each three-bedroom unit, 900 square feet or less.
- f. Two and one-half parking spaces are required for each three-bedroom unit, over 900 square feet.

C. *Roominghouses, boardinghouses, lodging-houses, and dormitories.* One parking space is required for every two guestrooms. If no guestrooms are provided, one parking space shall be provided for every two beds.

D. *Hotels.* One parking space is required for every guestroom. The total number of required parking spaces for hotels need not exceed this amount.

E. *Motels.* One parking space is required for every guestroom.

F. *Auditoriums, churches, synagogues, dancehalls, exhibition halls, skating rinks, theaters and other places of public assembly.*

- 1. One parking space is required for every four seats in the principal auditorium or assembly room.
- 2. Parking space requirements for auditoriums and assembly rooms without fixed seating shall be based on the ratio set out in subsection 1 of this subsection computed on the maximum capacity under the provisions of the Uniform Building Code.

G. *Health care facilities, hospitals health services, residential care and adult care facilities, and social service facilities*

- 1. *Hospitals.* One parking space is required for every two beds, based on maximum capacity.
- 2. *Health services.* One parking space is required for every 250 square feet of gross building area.
- 3. *Health care facilities except hospitals.* One parking space is required for every four beds, based upon maximum capacity.

4. *Facilities for elderly, disabled and handicapped.* The area set aside for off-street parking shall be in compliance with subsection 3 of this subsection; 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.

5. *Residential care and adult care facilities.* For adult care facilities, one space is required for every 400 square feet of gross building area and one additional space, reserved for pickup and delivery of clients, for every 800 square feet of gross building area. The pickup and delivery area(s) shall be marked. Large residential care facilities shall meet the requirements of G.3., above. If located in a dwelling, the requirements of subsections 21.45.080B. and 21.45.080W.6. shall also apply to adult care facilities and large residential care facilities. The provisions of this paragraph do not apply to small residential care facilities. For small residential care facilities, the requirements of the dwelling unit shall apply unless additional off-street parking is a condition associated with reasonable accommodation.

6. *Social service facilities.* One parking space is required for every 300 square feet of gross building area, or as determined through the provision of 21.45.080W.

H. *Shopping centers.*

- 1. *Generally.* Overall parking indices are as follows, except as modified under subsections 3 through 6 of this subsection:
  - a. For centers having a gross leasable area of 25,000 to 400,000 square feet: 4.0 spaces per 1,000 square feet of gross leasable area.
  - b. For centers having a gross leasable area from 400,000 to 600,000 square

feet: From 4.0 to 5.0 spaces per 1,000 square feet of gross leasable area, with the number of spaces calcu-

- lated in linear progression between 400,000 and 600,000 square feet of gross leasable area.
- c. For centers having a gross leasable area of over 600,000 square feet: 5.0 spaces per 1,000 square feet of gross leasable area.
2. "*Gross leasable area*" defined. For purposes of this subsection, gross leasable area shall include the gross square footage leased to tenants within the shopping center, but shall not include common areas, administration offices, storage, equipment rooms, common bathrooms, hallways or other areas not included within the leased premises.
  3. *Offices*. Office space in shopping centers amounting up to ten percent of the total gross leasable area can be accommodated without providing parking spaces in addition to that required by the application of the overall parking indices, described under subsection 1 of this subsection. Calculations to determine the amount of parking for office uses which are in excess of ten percent of the total gross leasable area of the shopping center shall be based on the increment of office space in excess of the permitted ten percent threshold, and shall be determined by the following formula:
 
$$\frac{\text{GLA of Office Space} - \text{GLA of (10\% \times retail space)}}{350 \text{ square feet}}$$
  4. *Cinemas*. Shopping centers with 100,000 to 200,000 square feet of gross leasable area having cinemas with up to 450 seats, and centers with over 200,000 square feet of gross leasable area having cinemas with up to 750 seats, can be accommodated without providing parking spaces in addition to those imposed by the overall parking indices. Cinemas having more than this number of seats, or cinemas located at centers of less than 100,000 square feet of gross leasable area, require three additional parking spaces per 100 seats.
  5. *Food services*. Where food services occupy up to ten percent of the total gross leasable area of shopping centers with 100,000 square feet or less, or up to five percent of the total gross leasable area of shopping centers larger than 100,000 square feet, the parking requirements, in addition to the overall parking indices, are as follows:
    - a. A shopping center with more than 25,000 and less than 100,000 square feet of total gross leasable area requires an additional ten parking spaces per 1,000 square feet of food service tenant area.
    - b. A shopping center having 100,000 but no more than 200,000 square feet of total gross leasable area requires an additional 6.0 parking spaces per 1,000 square feet of food service tenant area.
    - c. A shopping center having 200,000 but no more than 600,000 square feet of total gross leasable area requires no additional parking spaces for food services.
    - d. A shopping center with over 600,000 square feet of gross leasable area can reduce the parking required by the overall parking indices by four spaces per 1,000 square feet of gross leasable area devoted to food services.
  6. *Reduction of requirements when bus passenger spaces are provided*. For every space provided for transit bus passenger boarding and alighting approved by the traffic engineer, the parking space requirement is reduced by 30 spaces.
    - I. *Food stores and grocery stores*.
      1. For a gross building area of 4,000 square feet and less, one parking space is required for each 300 square feet.
      2. For a gross building area of 4,001 square feet and more, one parking space is required for each 200 square feet.

J. *Repairing garages and gasoline service stations.* Four parking spaces are required 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. *Restaurant, bars, lounges and nightclubs.* One parking space is required 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 are required for each bowling lane.

M. *Other retail establishments.* One parking space is required for every 300 square feet of gross building area.

N. *Offices.* One parking space is required for every 300 square feet of gross building area.

O. *Warehouse and storage buildings.* One parking space is required for every 1,000 square feet of gross building area.

P. *Industrial and manufacturing establishments.* One parking space is required for every 400 square feet of gross building area, or one parking space for every employee for that work shift having the greatest number of employees, whichever results in the larger number of parking spaces.

Q. *Self storage facility.* In addition to spaces required under subsection N., one parking stall is required for each 50 units or aisles suitable for temporary loading and unloading may be counted as required parking stalls in accordance with Table 1 as determined by the traffic engineer. There shall be a minimum on-site queue lane measuring no less than 50 feet in length and 24 feet in width for vehicles entering a security gate. The width of the gate shall be excluded from this requirement.

R. *Schools.*

1. *Elementary, including public and private schools.* One parking space for every 50 square feet of floor area in the multipurpose room.

2. *Junior high and high schools.* One parking space is required for every six 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 is required for every 300 square feet of enclosed floorspace, or one parking space for every three classroom seats, whichever is greater.

S. *Gymnasiums and health clubs.* One parking space is required for every 300 square feet of gross floor area.

T. *Banks and drive-through banks.* One parking space is required for every 300 square feet of gross floor area.

U. *Child care.*

1. *Child care homes.* No additional parking is required above the dwelling requirement.
2. *Child care centers with nine through 15 children.* One space above the dwelling requirement is required for establishments with nine through 15 children.
3. *Child care centers with more than 15 children.* One space is required per 400 square feet gross building area, and one additional space, reserved for pickup and delivery of children, per 800 square feet of gross building area.

V. *Vehicle storage yards.* In addition to spaces required under subsection N., vehicle storage yards shall provide one stall per 50 vehicles stored. There shall be a minimum on-site queue lane measuring no less than 50 feet in length and 24 feet in width for vehicles entering a security gate.

W. *Other uses.* In the case of a use not specifically identified in this section, off-street parking facilities shall be the same as the use described in this section which is most similar. In the case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. The total number of parking spaces may be re-

duced by the administrative official if it is demonstrated that a reduction in spaces is appropriate based upon the expected parking needs of the mixed uses and if spillover parking is avoided. The applicant shall prepare a parking evaluation in a form and manner prescribed by the administrative official to justify such reductions.

X. *Standards for parking spaces; parking area design.* 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, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use. If parking is provided on an abutting lot, there shall be a parking agreement, approved by the municipality, which provides for parking requirements for the life of the use, or a time certain period not to be less than ten years. As used in this section, abutting means any parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve, and for other uses shall be within 800 feet of a primary entrance of the uses served. This distance is subject to subsection 21.45.080 X.3.e. in the case of shared parking.
2. *Excess parking.* Any excess parking spaces provided may be on the same lot as the building served, on abutting or contiguous lots, or any lot within 300 feet, provided that the zoning district in which the lot is located allows for off-street parking as a permitted principal use, or as a conditional use.
3. *Joint use.*
  - a. *Purpose and intent.* Shared parking allows more of a site to be devoted to buildings (the purpose of the development and the public's reason for visiting the site) and less to parking. Shared parking only functions when the land uses it supports have different periods of peak parking demand.

In such circumstances, land uses may share parking facilities without adversely impacting the public's safety or convenience. This subsection regulates and sets standards for shared parking facilities to ensure that the public interest is protected while allowing property owners design flexibility and cost savings. The traffic engineer and planning director may approve alternatives to providing the number of off-street parking spaces required by subsection 21.45.080 B. through W. and 21.45.080 AA., in accordance with the following standards.

- b. *Shared Parking.* Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their peak parking demands occur at different times. The traffic engineer and director may approve shared parking facilities for uses with different peak business periods if the shared parking complies with all of the following standards:
  - i. *Exceptions:*
    - (a) If a use is separated from its shared parking by a local road, it is permitted. Such separation by a road designated as a collector as designated in the Official Streets and Highways Plan shall be subject to approval by the Traffic Engineer. Joint parking is prohibited if the street separating a use from its parking is designated in the Official Streets and Highways plan as a higher designation than a collector.
    - (b) Commercial and industrial uses shall not use residential parking areas.

- (c) A non-residential shared parking area that is adjoining a residential zoning district shall be limited to hours of operation from 8:00 a.m. to 10:00 p.m.
- ii. *Shared Parking Study.* Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the planning director that demonstrates the feasibility of shared parking. The study shall be provided in a form established by the traffic engineer and shall be made available to the public. It shall address, at a minimum, the size and type of the proposed development, location of required parking, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces. The applicant shall also demonstrate that any parking reduction requested as part of the shared parking study will not result in the spillover of parking onto other properties or public streets.
- iii. *Calculation of Parking Spaces Required.* The shared parking study shall follow the most current published procedures of the Urban Land Institute or the Institute of Transportation Engineers, or other procedures as specifically approved by the traffic engineer, or the following calculation method under subsection 21.45.080X.3.c may be used to calculate the number of shared parking spaces required for two or more land uses.
  - c. *Alternative calculation method.*
    - i. Multiply the minimum parking normally required for each individual use, as set forth in section 21.45.080 B. through W. and AA, as applicable, to the use, by the appropriate percentage indicated in Table A, Shared Parking Credit, for each of the six designated time periods.
      - a. Add the resulting sums for each of the designated time period columns.
      - b. The minimum number of required shared parking spaces shall be determined by totaling the resulting numbers in each time period column. The column total that generates the highest number of parking spaces then becomes the shared parking requirement. This represents the time period with the highest total parking demand.
      - c. If one or more of the land uses proposing to make use of shared parking facilities do not conform to the land use classifications in Table A, Shared Parking Calculations, as determined by the planning director, then the applicant shall submit sufficient data to indicate the periods of peak parking demand for the uses. Based on this information, the traffic engineer shall determine the appropriate shared parking requirement.

Table A: Shared Parking Credit								
Land Uses	Weekday Time Periods				Weekend Time Periods			
	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 1:00 a.m.	1:00 a.m. to 3:00 a.m.	3:00 a.m. to 7:00 a.m.	7:00 a.m. to 6:00 p.m.	6:00 p.m. to 1:00 a.m.	1:00 a.m. to 3:00 a.m.	3:00 a.m. to 7:00 a.m.
Residential	65%	100%	100%	100%	75%	90%	10%	100%
Religious Assembly	25%	50%	0%	0%	100%	50%	0%	0%
Health Services	100%	30%	5%	5%	100%	0%	0%	0%
Assembly	100%	50%	5%	5%	100%	50%	5%	5%
Fitness Center (Health Club)	90%	100%	60%	60%	100%	100	80%	80%
Movie Theater	60%	100%	0%	0%	80%	100%	0%	0%
Bar or Nightclub	40%	100%	90%	0%	50%	100%	90%	0%
Restaurant	80%	100%	50%	50%	85%	100%	25%	25%
Restaurant - Fast Food	100%	90%	15%	15%	100%	80%	15%	15%
Office or Financial	100%	10%	0%	5%	15%	0%	0%	0%
Retail Sales/Services	100%	80%	0%	0%	100%	60%	0%	0%
Visitor Accommodations	75%	100%	100%	100%	75%	100%	100%	100%

d. *Agreement for Shared Parking.* The parties involved in the joint use of off-street parking facilities shall submit a written agreement in a form to be recorded for such joint use, approved by the traffic engineer and the planning director as to form and content. The agreement shall guarantee the use of the shared parking facilities for the life of the uses, or a time certain period not to be less than ten years, and the owner of land used for jointly used parking facilities shall be responsible for the maintenance of said facilities. The traffic engineer and planning director may impose such conditions of approval as may be necessary to ensure the adequacy of parking in areas affected by such an agreement. Recordation of the agreement shall take place before issuance of a land use or building permit. At the end of the life

of the agreement, property owners who are parties to the agreement must comply with all provisions of this code governing the required number of off-street parking spaces. If an agreement is terminated for any reason prior to the expiration of its term, notice of said termination shall be recorded and a copy provided to the Planning Department.

e. *Distance to Parking Spaces.* Shared parking spaces for residential units shall be located within 500 feet of the dwelling unit entrances they serve. Shared spaces for other uses shall be within 800 feet of a primary entrance of the uses served. The traffic engineer and planning director may approve a portion of shared parking spaces at a greater distance based on factors such as the pedestrian environment, availability of valet parking, weather protec-



tion and the type of uses served. For the purposes of this section, primary entrance means:

A principal entry through which people, including customers, residents, or members of the public enter a building. For any commercial or institutional establishment which serves the visiting public, a primary entrance is open to the public during all business hours and directly accesses lobby, reception, retail or other interior areas designed to receive the public. Fire exits, service doors, and employee entrances are not primary entrances. A building or establishment may have more than one primary entrance.

- f. *Pedestrian Connection.* Clear, safe pedestrian walkways shall connect the shared parking facility and the primary entrances of the uses it serves.
- g. *Instructional Signage.* The shared parking facility shall provide instructional signage on the premises indicating the availability of the facility for patrons of the uses it serves.
- h. *Shared Parking Plan.* A shared parking plan shall be submitted for review and approval by the traffic engineer and the planning director. The shared parking plan may be combined with other parking plans required by this title.

- i. *Changes in Use or Shared Parking Facility.* Any subsequent change to the shared parking facility or in use type shall require a review by the planning department for compliance with this section, including proof that sufficient parking will be available.

4. *Design.*

- a. No wall, post, guardrail or other obstruction that would restrict car door opening shall be permitted within five feet of the centerline 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 or 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 vehicular and pedestrian circulation, transit and parking.
- e. All parking areas in nonresidential use districts and parking areas which serve nonresidential uses shall have lighting which meets the level of illumination, uniformity ratios and minimum lumen intensities speci-

- fied in the illumination guidelines set by the Illuminating Engineering Society of North America. The lighting system shall be designed to prevent glare to motorists on public streets and to residents of adjoining property.
- f. Refuse containers located within or on the same pavement as the parking area shall be screened by a wall, fence or landscaping constructed in accordance with criteria established by the refuse collection agency, unless such containers are located on a lot used for a single- or two-family dwelling.
  - g. Required parking areas serving a lot, whether located on that same lot or on an adjacent lot, may be connected by means of a common access driveway within or between the interior of such lots. An agreement between the lot owner and the municipality providing for the owner to maintain such access shall be recorded.
  - h. Ingress and egress to parking facilities shall be designed to maintain adequate sight distance and safety, and as prescribed in municipal driveway standards.
  - i. A secured wheel bumper, not less than six inches in height, which will ensure that vehicles are parked within designated stall dimensions, near the property line, shall be provided in order to prevent vehicles from encroaching on pedestrian, bicycle or traffic routes. This requirement shall not apply to single- or two-family uses, and shall not be required when a fence or other barrier-type landscaping is provided along the property line of the parking area.
  - j. Uses of land and structures requiring a drive-through shall provide sufficient queuing space within the site to avoid vehicles waiting within the public right-of-way. Such uses shall demonstrate to the traffic engineer that sufficient in-line waiting spaces are provided as part of the parking plan to avoid encroachment into the public rights-of-way.
5. *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 are not 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; and 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 restriction which adversely affects the purpose of this section.
  6. *Landscaping.* The perimeter of a parking area, except a parking area serving only a single-family, two-family or three-family dwelling, adjoining a lot in a residential district shall utilize the following schedule:
    - a. Institutional, commercial or industrial uses adjoining a residential district: Buffer landscaping or a screening structure and visual enhancement landscaping.
    - b. Residential uses adjoining a residential district: Visual enhancement landscaping or a screening structure and an area landscaped equal to five percent of the parking area and appurtenant drives.
  7. *Paving.* The off-street parking area, including all points of ingress and egress, shall be constructed in accordance with the following standards:
    - a. A parking area related to any use within an urban or suburban use

district, as defined in section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer.

- b. A parking area related to any use within a rural use district, as de-

defined in section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches.

8. *Accessible parking requirements.* Accessible parking requirements for commercial, industrial, public and institutional uses are as follows:

<i>Total Car Spaces in Parking Lot</i>	<i>Minimum Car Accessible Spaces</i>	<i>Minimum Van Accessible Spaces</i>	<i>Total Accessible Parking Spaces, Required Minimum</i>
1—25	0	1	1
26—50	1	1	2
51—75	2	1	3
76—100	3	1	4
101—150	4	1	5
151—200	5	1	6
200—300	6	1	7
301—400	7	1	8
401—500	8	1	9
501—549	9	1	10
550—599	10	1	11
600—649	11	1	12
650—699	12	1	13
700—749	13	1	14
750—799	14	1	15
800—849	14	2	16
850—899	15	2	17
900—949	16	2	18
950—999	17	2	19
1,000—1,099	18	2	20
1,100—1,199	19	2	21
1,200—1,299	20	2	22
1,300—1,399	21	2	23
1,400—1,499	21	3	24
1,500—1,599	22	3	25
1,600—1,699	23	3	26
1,700—1,799	24	3	27
1,800—1,899	25	3	28
1,900—1,999	26	3	29
2,000—2,099	27	3	30
2,100—2,199	28	3	31
2,200—2,299	28	4	32
2,300—2,399	29	4	33
2,400—2,499	30	4	34
2,500—2,599	31	4	35

<i>Total Car Spaces in Parking Lot</i>	<i>Minimum Car Accessible Spaces</i>	<i>Minimum Van Accessible Spaces</i>	<i>Total Accessible Parking Spaces, Required Minimum</i>
2,600+	Total accessible spaces minus total van spaces	1 per each 8 accessible spaces	20 plus 1 for each 100 over 1,000 total car spaces

Accessible car spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space. One in every eight accessible car spaces shall have an abutting aisle eight feet in width. Accessible car space access aisles shall be part of an accessible route to the building or facility entrance as specified in chapter 28, Code of Federal Regulations, part 36, appendix a to part 36, paragraph 4.3, Accessible Routes. Two accessible car spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Accessible car spaces and access aisles shall be level with surface slopes not exceeding one to 50 in all directions.

Accessible car spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. The accessible route of travel shall not pass behind parking spaces. In parking facilities that do not serve a particular building, accessible car spaces shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible car spaces shall be dispersed and located closest to the accessible entrances.

Accessible car spaces shall be designated as reserved by a sign showing the symbol of accessibility. Van-accessible spaces shall have an additional sign reading "Van-Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

Regulations may be promulgated under chapter 3.40 to implement the requirements of Americans with Disabilities Act of 1991 as it may be amended or interpreted by federal regulation.

9. *Parking angle space dimensions.*

- a. Except as provided in subsection b of this subsection, the parking configuration stated in table 1 of this subsection shall apply to all required off-street parking:

TABLE 1

<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
<i>Parking Angle</i>	<i>Stall Width</i>	<i>Stall to Curb</i>	<i>Aisle Width 1-way</i>	<i>Aisle Width 2-way</i>	<i>Curb Length</i>	<i>Overhang</i>
0°	9.0	9.0	12.0	24	23.0	0
	9.5	9.5	12.0	24	23.0	
	10.0	10.0	12.0	24	23.0	
20°	9.0	15.0	12.0	24	26.3	0.7
	9.5	15.5	12.0	24	27.8	
	10.0	15.9	12.0	24	29.2	
30°	9.0	17.3	12.0	24	18.0	1.0
	9.5	17.8	12.0	24	19.0	

<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
<i>Parking Angle</i>	<i>Stall Width</i>	<i>Stall to Curb</i>	<i>Aisle Width 1-way</i>	<i>Aisle Width 2-way</i>	<i>Curb Length</i>	<i>Overhang</i>
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.

- b. Permanent parking provided on an alternative site plan approved pursuant to section 21.45.140.D.2 or E may either:
- (1) Employ the parking configuration stated in table 2; or
  - (2) Employ the parking configuration stated in table 3 if the area is used exclusively for employee parking for periods in excess of four consecutive hours and no more than 30 percent of the total number of spaces is designed for compact cars.

TABLE 2

<i>Parking Angle (O)</i>	<i>Stall Width (A)</i>	<i>Vehicle Projection (B)</i>	<i>Aisle Width (C)</i>	<i>Typical Module (D)</i>	<i>Interlock Reduction (E)</i>	<i>Overhang (F)</i>
45°	8' 4"	17' 4"	12' 3"	46' 11"	2' 0"	2' 0"
50°	8' 4"	18' 0"	12' 9"	48' 9"	1' 10"	2' 1"
60°	8' 4"	18' 10"	14' 3"	51' 11"	1' 4"	2' 3"
70°	8' 4"	19' 2"	16' 1"	54' 5"	0' 10"	2' 5"
75°	8' 4"	19' 0"	17' 6"	55' 6"	0' 8"	2' 6"
90°*	8' 4"	18' 0"	22' 6"	58' 6"	—	2' 8"

\*Assumes two-way traffic flow.

TABLE 3

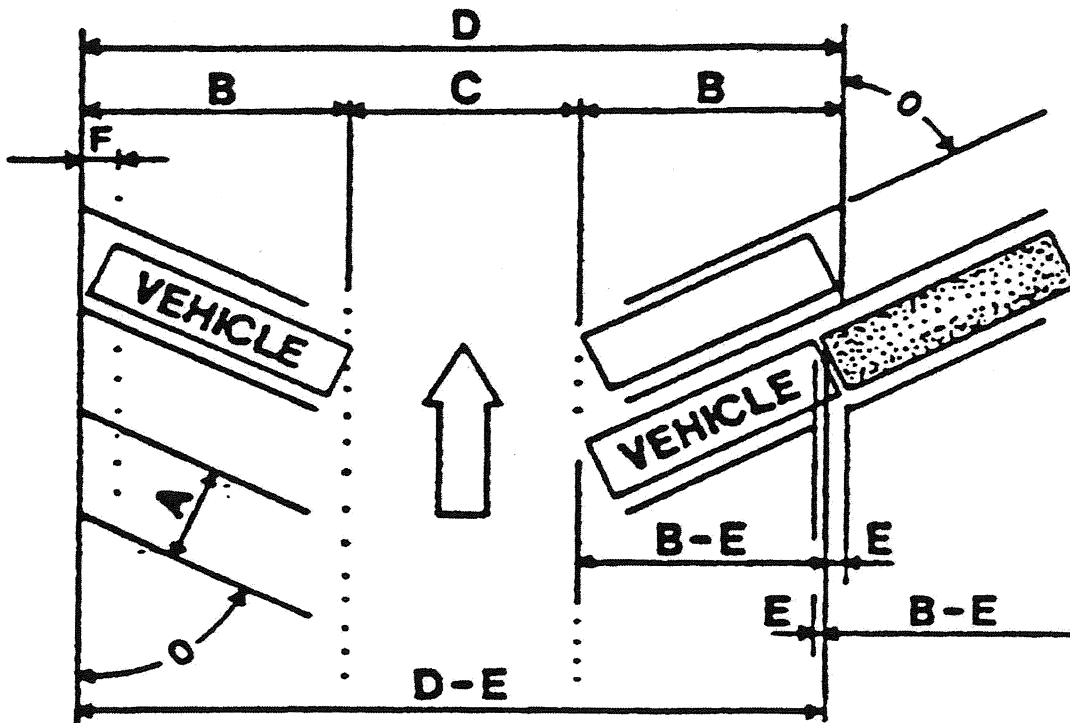
Parking Angle (O)	Stall Type	Stall Width (A)	Vehicle Projection (B)	Aisle Width (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
45°	CO	7' 7"	15' 2"	10' 9"	41' 1"	1' 6"	1' 6"
	STD	8' 4"	18' 4"	13' 0"	49' 8"	2' 0"	2' 3"
50°	CO	7' 7"	15' 8"	11' 2"	42' 6"	1' 4"	1' 7"
	STD	8' 4"	19' 2"	13' 6"	51' 0"	2' 0"	2' 4"
60°	CO	7' 7"	16' 4"	12' 6"	45' 2"	1' 0"	1' 8"
	STD	8' 4"	20' 0"	15' 0"	55' 0"	1' 6"	2' 6"
70°	CO	7' 7"	16' 5"	14' 1"	46' 11"	0' 8"	1' 10"
	STD	8' 4"	20' 4"	17' 0"	57' 8"	1' 0"	2' 8"
75°	CO	7' 7"	16' 6"	16' 4"	49' 11"	0' 6"	1' 10"
	STD	8' 4"	20' 2"	18' 0"	58' 4"	0' 9"	2' 9"
90°*	CO	7' 7"	15' 6"	19' 0"	50' 0"	—	2' 0"
	STD	8' 4"	19' 0"	23' 0"	61' 0"	—	3' 0"

CO: Compact car.

STD: Standard car.

\*Assumes two-way traffic flow.

- c. The spatial relationships described in tables 1, 2 and 3 of this subsection shall be calculated in the manner depicted in the following diagram:



Parking Diagram

10. *Landscaping for parking lots with 15 or more spaces.*
- a. Visual enhancement landscaping shall be planted on the perimeter of the parking area adjoining a lot line or a screening structure shall be placed on the perimeter of the parking area adjoining a lot line and an area equal to at least five percent of the surface of the parking area including appurtenant driveways shall be devoted to visual enhancement landscaping, except:
    - (1) At vehicular and pedestrian ingress and egress points; and
    - (2) Adjacent to lots being developed under a common development plan, where the director of community planning and development waives the requirement.
  - b. The parking area shall be separated from any building on the same lot by a sidewalk or landscaped area, or both, at least four feet wide.
  - c. In addition to the landscaping required under subsections a and b of this subsection, visual enhancement landscaping shall be planted within the interior of a parking area containing more than 60 spaces. The area devoted to visual enhancement landscaping shall equal at least five percent of the surface of the parking area, including appurtenant driveways.
  - d. Parked vehicles may overhang landscaped areas by up to two feet, provided:
    - (1) The overhang is limited by curbs or wheel stops; and
    - (2) The landscaped area beyond the overhang is at least six feet wide.
  - e. All landscaping shall be maintained by the property owner or his designee.
11. *Landscaping for parking structures.*
- a. Visual enhancement landscaping shall be planted around the perimeter of the parking structure, except:
    - (1) At vehicular and pedestrian ingress and egress points; and
    - (2) Where the structure abuts an alley right-of-way.
  - b. All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
  - c. All landscaping shall be maintained by the property owner or his designee.
- Y. *Adjustment of parking requirements.*
1. *Application for permit.* Any person may apply for a permit to reduce the number of off-street parking spaces required by this section for a site that is dedicated to one or more nonresidential uses that include at least 100 employees or tenants at that site. An application shall be submitted to the administrative official and shall be complete only if it is made in a form prescribed by the traffic engineer, and is accompanied by the applicable fee and by a parking management plan that includes:
    - a. The number of off-street parking spaces to be provided on the site;
    - b. A site plan that shows the open space reserved on the site for off-street parking use if a permit for reduced parking is either denied, revoked, suspended or not renewed. Such open space shall be in addition to yard, setbacks, driveways, park-

- ing, loading and service areas and other open space areas otherwise required by this Code;
  - c. A description of all types of existing and proposed transportation alternatives available for the site, including their times of operation, cost, implementation and administration, and the means by which the applicant intends to encourage their use in lieu of privately operated motor vehicles; and
  - d. An explanation of how the applicant will meet the standards for approval stated in subsection 2 of this subsection.
2. *Standards for approval.* The administrative official shall grant a permit to reduce the number of off-street parking spaces required by this section if the applicant demonstrates that:
- a. The applicant is eligible to make the application and has submitted a complete application.
  - b. The existing and proposed transportation alternatives described in the application are reasonably expected to reduce the demand by tenants and employees on the site for off-street parking on the site so that the number of off-street parking spaces proposed in the application are more likely than not to be adequate for the needs of all users of the site.
  - c. The reduction of off-street parking spaces, as requested in the application, shall not have a material effect on the on-street parking spaces in the immediate area around the site.
  - d. Sufficient open space has been reserved on the site to accommodate the number of off-street parking spaces required by this section if a permit issued under this subsection is either revoked, suspended or not renewed.
  - e. All persons with a legal or equitable interest in the site are prepared to execute and record an agreement that provides for compliance with the terms of the permit to be a covenant that runs with the land for the benefit of the municipality.
3. *Permit conditions.* If the administrative official, upon recommendation by the traffic engineer, determines that a permit for reduced off-street parking spaces should be granted, that permit may provide for the number of such spaces that satisfy the standards stated in subsection 2 of this subsection, regardless of the number requested by the applicant, and shall state all conditions deemed necessary to accomplish the purpose of this subsection and to otherwise protect the public health, safety and welfare. The administrative official shall issue a permit only after the applicant demonstrates that the agreement described in subsection 2.e of this subsection has been executed and recorded in a form approved by the administrative official.
4. *Renewal of permit.* A permit issued pursuant to this subsection shall be valid for a period of one calendar year. A renewal application shall be submitted to the administrative official no less than 90 days before the permit expiration date, in a form he prescribes, and it shall include:
- a. The applicable fees; and
  - b. A description of the applicant's compliance with the permit conditions during the permit term. The applicant shall also provide an annual tenant/employee commuter survey in a form and manner approved by the transit department.
- Based upon the renewal application, the administrative official may choose to renew the permit for another one year term upon the same or different conditions.
5. *Construction of parking facilities on nonrenewal of permit.* If a permit issued under this section is not renewed, con-



struction of the off-street parking requirements required by this section shall be commenced in a material way no later than 60 days thereafter.

6. *Failure to comply with permit.* It shall be a violation of this chapter each time that the holder of a permit issued under this subsection fails to abide by each and every condition set forth therein, including timely construction of the off-street parking spaces following nonrenewal of such a permit.
7. *Appeals.* An aggrieved applicant may appeal a decision of the administrative official under this subsection, to the zoning board of examiners and appeals, in accordance with the procedures described in section 21.30.110, to determine if the administrative official has reasonably applied the standards in this subsection.

*Z. Standards for parking as principal use.* Where a parking structure or lot is a permitted principal or conditional use and is not providing required parking for another principal use, accessible parking spaces in accordance with subsection W.8 of this section shall be provided.

*AA. A motorized sports facility* shall provide one parking space for every two spectator seats in a structure such as a grandstand, stadium and the alike or one parking space for every 2,000 square feet of site area whichever results in the greater number of parking spaces.

*BB. Severe alcohol dependent housing.* One parking space is required for every four rooms. If no rooms are provided, one parking space shall be provided for every four beds.

(GAAB 21.05.060.G; AO No. 77-355; AO No. 78-118; AO No. 81-106; AO No. 81-178(S); AO No. 82-69; AO No. 84-90; AO No. 84-117(S); AO No. 85-91, 10-1-85; AO No. 87-31, 7-18-87; AO No. 89-30; AO No. 90-152(S); AO No. 93-172, § 1, 11-16-93; AO No. 96-68, § 1, 5-28-96; AO No. 99-131, § 12, 10-26-99; AO No. 2004-108(S), § 6, 10-26-04; AO No. 2005-9, § 4, 3-1-05; AO No. 2005-185(S), § 28, 2-28-06; AO No. 2005-124(S-

1A), § 29, 4-18-06; AO No. 2006-87(S-1), § 1, 1-9-07; AO No. 2009-22, § 11, 4-14-09; AO No. 2010-3, § 9, 3-23-10)

**Editor's note**—The last sentence of subsection A of this section was formerly codified in the 1977 Code as the last sentence of subsection 21.35.020.B.69.

**Cross reference**—Business licenses and regulations, tit. 10.

#### **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 percent, 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 ten feet wide by 14 feet six inches high, inside dimensions.
  2. Type B berths shall be at least 30 feet long by ten feet wide by 14 feet six 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 spaces.* 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 in this subsection shall include all structures designed, intended or arranged for such use.

<i>Use</i>	<i>Aggregate Gross Floor Area (square feet)</i>	<i>Berths Required</i>	<i>Type</i>
1. Freight terminals, railroad yards, industrial plants, manufacturing or wholesale establishments, warehouses	12,000—36,000	1	A
	36,000—60,000	2	A
	60,000—100,000	3	A
	Each additional 50,000 or fraction thereof	1 additional	A
2. Auditoriums, motel convention halls, multifamily dwellings or sports arenas	25,000—150,000	1	B
	150,000—400,000	2	B
	Each additional 250,000 or fraction thereof	1 additional	B
3. Health care facilities	10,000—100,000	1	B
	Over 100,000	2	B
4. Department stores, retail establishments, restaurants funeral homes and commercial establishments not otherwise specified	7,000—24,000	1	B
	24,000—50,000	2	B
	50,000—100,000	3	B
	Over 100,000, each additional 50,000 or major fraction thereof	1 additional	B
5. Hotels or office buildings	25,000—40,000	1	B
	40,000—100,000	2	B
	Each additional 100,000 or major fraction thereof	1 additional	B
6. Schools	Over 14,000	1	B

C. *Uses not specifically mentioned.* In the case of a use not specifically mentioned in this section, the requirements for off-street loading facilities shall be the same as the use mentioned in this section 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 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. The placement of proposed off-street loading facilities adjacent to residential areas or in an area with a residential zoning classification shall be considered for noise and glare impacts. Mitigation techniques, including appropriate siting and site design measures, may be required by the traffic engineer.

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 ap-

proval of the traffic engineer. The traffic engineer shall consider noise, illumination, vibration and other impacts of proposed off-street loading areas where loading facilities are adjacent to a residential area or an area with a residential zoning classification, and may recommend appropriate mitigation measures.

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 reasonable 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 21.05.060.H; AO No. 85-173, 3-17-86; AO No. 90-152(S))

Cross reference—Business licenses and regulations, tit. 10.

**21.45.100 Residual lot area.** (Repealed)  
(AO No. 82-54)

**21.45.110 Fences.**

A. A fence may be constructed at the lot line, provided, however, that front yard fences in residential zoning districts shall not exceed four feet in height, except in zoning districts R-6, R-8 and R-9 where front yard fences shall not exceed six feet in height. Front yard fences may be increased to eight feet in height in zoning districts R-6, R-8 and R-9 provided the fencing material is non-sight obscuring. Examples of non-sight obscuring fencing include chain-link fencing, and split rail. No front yard fence shall be erected in conflict with section 21.45.020, clear vision areas.

B. In the case of a through lot, as defined in section 21.35.020.B, which abuts a street of collector 1, 1A or greater classification as designated on the official streets and highways plan, a fence

may be constructed within the secondary front yard abutting the street up to a maximum of eight feet in height, provided that vehicular access to the street is prohibited. A fence higher than four feet, or six feet in zoning districts R-6, R-8, and R-9, shall not be constructed if access to the street is required due to a plat note, by a conditional use permit or under other provisions of law.

(GAAB 21.05.060.J; AO No. 78-15; AO No. 85-161; AO No. 2000-55, § 1, 6-20-00; AO No. 2000-135, § 1, 5-8-01)

Cross references—Building regulations, ch. 23.05; streets and rights-of-way, tit. 24.

**21.45.115 Outdoor keeping of animals.**

A. *Purpose:* The purpose of this section is to implement regulations governing the outdoor keeping of animals as a permitted accessory use, for non-commercial use, in residential districts as defined in 21.45. These regulations exclude dogs, domestic cats, and large domestic animals. This section shall not authorize an accessory use for the keeping of any animals outlawed for personal ownership by other laws or regulations.

B. *Definition:* The accessory use term "outdoor keeping of animals" as used in this section means the restraining or restricting the movement of animals outside of a principal structure, by any means not involving the continued presence and/or participation of a human being. As used in this section, the accessory use term "outdoor keeping of animals" shall not be construed to include dogs, domestic cats, or large domestic animals.

C. *Applicable zoning districts:* Other provisions of this title notwithstanding, the outdoor keeping of animals shall be a permitted accessory use, subject to the supplementary district regulations of this section, in all residential zoning districts except for these prohibitions and exclusions:

1. The outdoor keeping of animals is prohibited in the R-4 zoning district and on lots or tracts with more than two dwelling units. The R-4 zoning district and lots or tracts with more than two dwelling units are excluded from the supplementary district regulations in this section.

2. Animals, other than dogs, shall not be kept outdoors in mobile home parks. Mobile home parks are excluded from the supplementary district regulations in this section.

D. *Standards:* The following accessory use standards apply to the outdoor keeping of all animals permitted under this section:

1. On lots of 40,000 square feet or greater, the following shall apply:
  - a. Non-commercial use shall not exceed one animal per 1,000 square feet of lot area. A facility license may be required pursuant to title 17.
  - b. Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.
2. On lots smaller than 40,000 square feet, the following shall apply:
  - a. Excessively noisy animals such as roosters, turkeys, guinea fowl, peacocks, or geese are prohibited.
  - b. Up to five animals may be kept on lots of 6,000 square feet or less, with an additional one animal per additional 1,000 square feet of lot area. A facility license may be required pursuant to title 17.
  - c. Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least ten feet from any lot line.
  - d. It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.
3. Any activity related to this use, which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, radiation, humid-

ity, heat or glare at or beyond any lot line of the lot on which it is located shall be prohibited.

4. No permanent structure for the outdoor keeping of animals shall be erected closer than ten feet to any principal structure. The height of any structure used for the outdoor keeping of animals under this section shall not exceed the height permitted for accessory structures in the underlying zoning district.
5. The term "excessive" is defined for the purpose of this section as to 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.

(AO No. 2011-50(S), § 1, 4-26-11)

**21.45.120 Yards.**

A. *Double-frontage lots.* 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. *Corner lots with two frontages.* 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. *Corner lots with more than two frontages.* 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. *Measurement of front yard.* Generally, the depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines except as follows (see the diagram following this section):

1. In the case of rounded property corners at street intersections, the required front yard shall be measured at a right angle from a straight line joining the foremost point of the two front lot lines at the point they would have met without such rounding.
2. In the case of a corner lot ("L" intersection) the required front yard shall be measured at a right angle from the intersecting point of the side and front yard lot lines to the intersecting point of the two front lot lines.
3. For cul-de-sac lots and lots abutting a curved street, the required front yard shall follow the curve of the right-of-way frontage.

The right-of-way frontage and the inner edge of the required front yard shall be parallel.

E. *Measurement of side yard.* 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. *Reduction of side yard requirement.* In any R-1, R-1A, R-2A, R-2D, R-2M, R-3 or R-5 district, one required side yard of a lot may be abated, subject to the following requirements:

1. The width of the other required side yard on the lot shall be no less than ten feet, and no future enlargement of a principal or accessory structure shall reduce that width.
2. The lot shall be one of a group of all lots fronting one side of a street between two intersections, which are owned by the same person.

G. *Construction on adjoining lots.* In determining minimum yard requirements each lot shall be determined individually and, except as provided in subsection F of this section, 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.

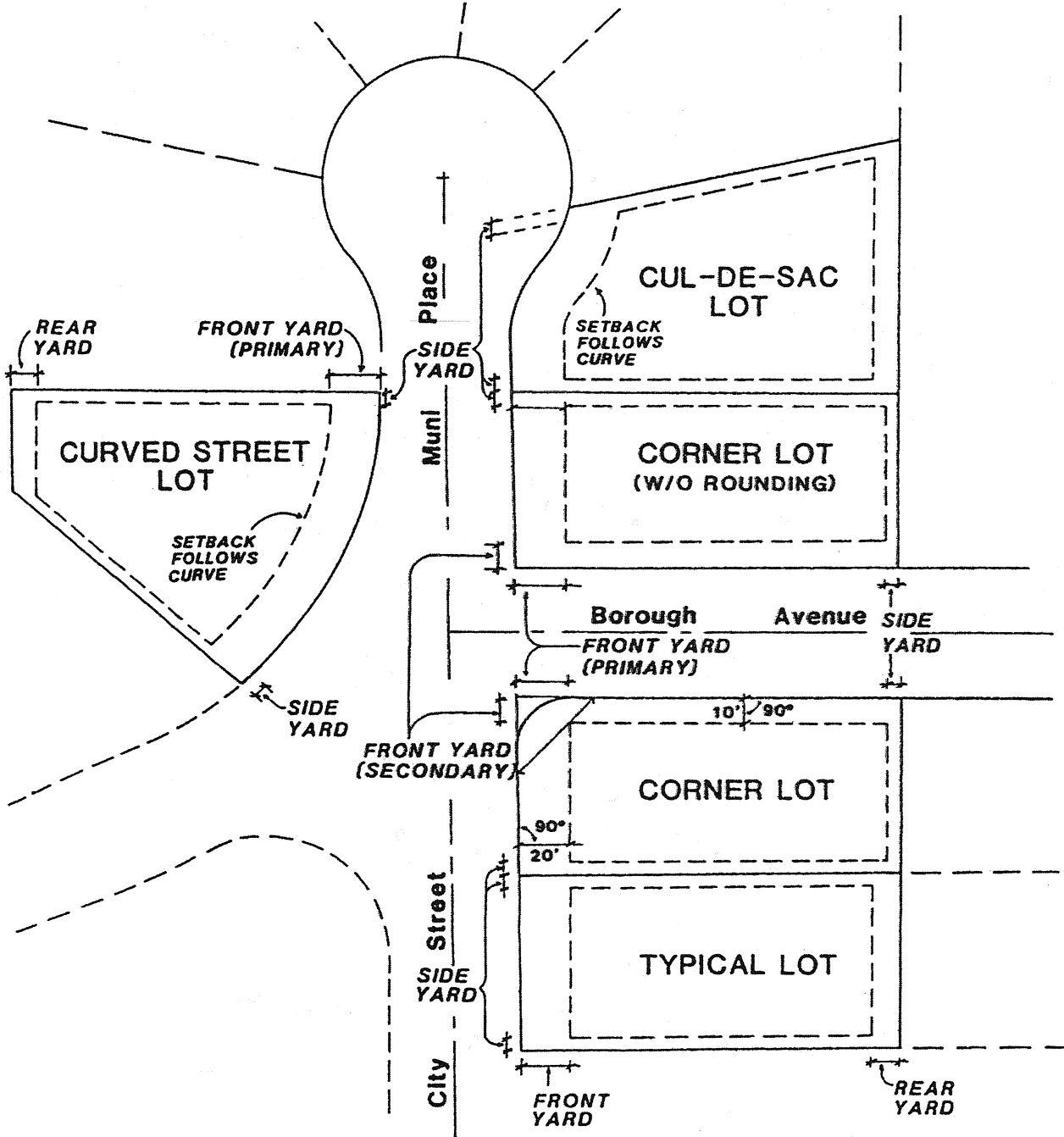
H. *Cluster housing developments.* Yard requirements for cluster housing developments shall be as specified in section 21.50.210.

I. *Minimum dimension of usable yard.* No dimension of a usable yard shall be less than ten feet. A usable yard does not include driveways, common walks, refuse storage or collection areas, or off-street parking or loading areas. However, private balconies or decks containing no less than one ten-foot dimension and roofs available for outdoor activity may be used to meet this requirement. Those balconies or decks with dimensions less than ten feet and containing at least a minimum of 20 square feet may only be counted for up to 50 percent of the required usable yard area.

(GAAB 21.05.060.L; AO No. 80-42; AO No. 82-54; AO No. 84-52; AO No. 85-18; AO No. 85-21; AO No. 85-32; AO No. 85-163; AO No. 86-78; AO No. 89-35, 4-7-89)

*Editor's note*—Subsection I of this section was originally codified in the 1977 Code as the second through last sentences of subsection 21.35.020.B.141.

RESIDENTIAL YARD MEASUREMENTS  
(DIAGRAM FOR SECTION 21.45.120.D)



Measurement of Front Yard

**21.45.125 Landscaping.**

A. *Scope and applicability.* All landscaping required under this title shall conform to the standards in this section at a minimum. Additional landscaping may be required where authorized by law. It is the intent of this section that, where dimensional averages have been referenced, plant materials may be clustered and portions of planting bed widths made narrower or wider.

B. *Landscaping plan.* Where a landscaping plan is required under this title, the plan shall include:

1. The common and scientific name of each plant to be used;
2. The number, height and caliper or height/spread ratio of trees to be used;
3. The pounds of lawn seed mix per square foot to be used;
4. The number of ground cover plants per unit area to be used;
5. The locations where different plant types will be used;
6. The locations, size and type of trees to be preserved in their natural state;
7. Planting details;
8. Location of any retaining walls and fences;
9. Location of any utility easements;
10. Location of any existing or proposed structures or parking areas;
11. North arrow and scale; and
12. Drainage patterns.

C. *Types of landscaping.* There are four types of landscaping: visual enhancement landscaping, buffer landscaping, screening landscaping and arterial landscaping. Where landscaping is required under this title, but the type of landscaping is not specified, the landscaping shall be visual enhancement landscaping.

1. *Visual enhancement landscaping.* Visual enhancement landscaping consists of landscaping or the retention of natural vegetation which provides definition of land uses

or softens the impact of one land use on another. Visual enhancement landscaping shall conform to the following standards:

- a. Average minimum planting bed width shall be eight feet, except for foundation plantings;
  - b. Evergreen trees a minimum of five feet in height with a ratio of height to spread no less than five to three, or deciduous trees a minimum of eight feet in height (one-inch caliper), planted at average intervals no greater than 20 feet on center, are required;
  - c. Shrubs a minimum of 18 inches in height, and ground cover or mulches, placed so as to cover the ground in three years, are required; and
  - d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.
2. *Buffer landscaping.* Buffer landscaping consists of landscaping or the retention of natural vegetation which serves to separate two land uses and minimize the effects of one land use on another. Buffer landscaping shall conform to the following:
    - a. The planting bed width shall be an average of ten feet with a minimum width not less than eight feet, except for buffer yards required under section 21.45.200;
    - b. Evergreen trees a minimum of five feet with a ratio of height to spread no less than five to three, and deciduous trees a minimum of eight feet in height (1½-inch caliper) with no more than 50 percent being deciduous, planted at average intervals no greater than ten feet on center, are required;
    - c. Shrubs, a minimum of 18 inches in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required; and

- d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.
3. *Screening landscaping.* Screening landscaping consists of landscaping or the retention of natural vegetation which blocks obtrusive or undesirable visual or aural elements. Screening landscaping shall conform to the following standards:
- a. Average planting bed width shall be 30 feet, with a minimum of not less than 25 feet. A decorative wood fence seven feet in height may be provided in lieu of ten feet of the required 30 feet;
  - b. Two rows of evergreen trees, a minimum of six feet in height and an with average height of eight feet, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center, are required;
  - c. Shrubs a minimum of 2½ feet in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required;
  - d. Earthen berms may be substituted for part of the required minimum tree height, utilizing a ratio of two feet of berm height per one foot of tree height (e.g., if trees are planted on a three-foot-high berm, the minimum height of the trees may be reduced by 1½ feet, thus giving an overall height of the trees plus berm of 9½ feet); and
  - e. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.
4. *Arterial landscaping.* Arterial landscaping consists of landscaping which softens the impact of land uses along an arterial or collector, but which does not obscure that land use from sight. Arterial landscaping shall conform to the following standards:
- a. Arterial landscaping shall be provided along all collectors or arterials adjacent to sites with a commercial zoning classification of B-1A, B-1B and B-3.
  - b. This landscaping shall be in lieu of any parking lot landscaping required along an arterial or collector street.
  - c. The minimum planting bed width shall be six feet, provided that, if there is a vehicle overhang, the minimum bed width shall be eight feet.
  - d. All plantings shall be spaced so as to provide continuous ground coverage within three years.
  - e. One of the following kinds of plant materials shall be used:
    - (1) Hedges in a combination of one-third evergreen plant material and two-thirds deciduous plant material which attain a mature height of at least four feet;
    - (2) Hedges using all deciduous plant material plus an opaque screening structure of at least four feet in height; or
    - (3) A combination of trees and shrubs which attain a mature height of at least four feet.
- D. *Installation of landscaping.* All landscaping shall be installed within 18 months after receiving a temporary or final certificate of occupancy, whichever comes first.
- E. *Landscaping plan.* All landscaping required under chapter 21.40, other than for a one-family, two-family or three-family dwelling, this chapter or chapter 21.50 shall conform to a landscaping plan reviewed and approved by the department of community planning and development. (AO No. 85-91, 10-1-85; AO No. 85-173)
- 21.45.130 *Screening along major highways.*
- A. *Purpose and scope.*
1. *Purpose.* The purpose of this section is to protect visually the major entrances to the urbanizing areas of the municipality for the benefit of tourists and residents.



2. *Applicability.* Except as provided in subsection 3 of this subsection, the requirements in this section apply to all lots in the PLI, R-3, R-4, R-O, PC, B-1A, B-3, B-4, I-1, I-2, I-3 and T use districts:
  - a. Adjacent to the right-of-way of the New Seward Highway, or to streets serving as its frontage roads, south of 44th Avenue and north of Potter Road; or
  - b. Adjacent to the right-of-way of the Glenn Highway, or to streets serving as its frontage roads, east of Boniface Parkway and west of Peters Creek.
3. *Exceptions.* The requirements in this section do not apply to any lot:
  - a. Whose area, less the setback area required under subsection B of this section, is less than the minimum lot area required in its use district;
  - b. Whose depth, excluding all setbacks required under this title, is less than 100 feet; or
  - c. That is used only for single-family residential purposes.

B. *Setback area; landscaping.* No structure may be constructed or placed within 30 feet of the rights-of-way described in subsection A.2 of this section. Except at vehicular and pedestrian ingress and egress points, this 30-foot setback shall be maintained as follows: Natural vegetation shall not be disturbed, provided that, if that vegetation does not meet the standards for screening landscaping, screening landscaping shall be planted. The landscaping shall be maintained by the property owner or his designee.

C. *Signs.* No new signs of any kind shall be permitted within the 30-foot-wide area mentioned in subsection B of this section 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 in this subsection. No sign shall exceed 30 feet in height.

D. *Loading and parking facilities.* 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 in subsection C of this section 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.

E. *Approval of site plan.* Plans for access drives, screening fences, vegetative screens and parking and loading areas shall be reviewed and approved by the urban design commission to ensure conformance with the intent of this section. No building permit or land use permit shall be issued for construction on a lot subject to this section, except in accordance with a landscaping site plan conforming to this section approved by the urban design commission.

F. *Variations.* A variance shall only be granted by the zoning board of examiners and appeals if the board finds that the intent of this subsection is maintained and provided that a recommendation of the urban design commission that the variance be granted is first received. (GAAB 21.05.060.P; AO No. 85-23; AO No. 85-160, 1-8-86; AO No. 85-91, 10-1-85; AO No. 85-173; AO No. 86-19)

**21.45.140 Setbacks from projected rights-of-way.**

A. *Minimum setback.* No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback stated in this subsection from the existing or projected centerline of a street designated on the official streets and highways plan, except as allowed under subsection B of this section:

<i>Street Class on Official Streets and Highways Plan</i>	<i>Setback from Centerline (feet)</i>
IC, IIA, IIIC	30
IB	35
I, IA, II	40
III, IIIB	50
IIIA, IV	65
V	75

B. *Permitted uses within setback.* The following uses and activities are permitted within the setbacks described in subsection A of this section:

1. Sidewalks and pathways;
2. Bike trails;
3. Bus shelters and bus turnouts;
4. Kiosks, canopies, awnings, seating units and skywalks;
5. Utilities and utility easements;
6. Landscaping required by chapters 21.40 through 21.50;
7. Temporary parking as described in subsection D. of this section;
8. Additional parking to that required by this title;
9. Open space and usable yards;
10. Fences, public art, and signs;
11. Retaining walls;
12. Remodeling of or addition to structures existing as of May 19, 1987, so long as it does not further intrude within the setback area after that date;
13. Driveways and vehicular access; and
14. Incidental architectural features that are at least 12 feet above grade, where "architectural feature" means a part, portion, or projection that contributes to the aesthetic quality of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building structure or to make the building or structure habitable.

C. *Yard requirements.* Applicable yard requirements stated elsewhere in this title shall be in addition to those stated in this section.

D. *Temporary parking area.* As used in this section, the term "temporary" or "temporarily" means that period of time between the issuance of a building or land use permit and the right of entry conveyed to the municipality or other government entity for a road project that affects the setback area required by this section. Parking required by this title may be provided temporarily within a setback area described in this section only if the building official and the traffic engineer first find that:

1. The temporary parking configuration to be used on the lot, including the setback area, conforms to section 21.45.080.X.9.a.
2. An alternate site plan has been submitted with an application for a building or land use permit for permanent required parking on the lot, excluding all setback areas thereon, in conformance with parking configuration requirements of section 21.45.080.A through V and section 21.45.080.X.9.b.
3. An agreement between the owner of the lot and the municipality has been executed and recorded so as to give notice of the parking requirements to be applied to the lot and of the date or event by which the temporary parking configuration shall be abandoned in favor of the permanent parking configuration stated in the alternate site plan.

E. *Reduction of required parking.* Permanent required parking shall be provided on the lot, excluding all setback areas thereon, in conformance with the parking configuration requirements of section 21.45.080.A through V and section 21.45.080.X.9.b, except that the minimum number of parking spaces required for a lot may be reduced by as much as five percent upon a finding by the director of community planning and development, with the concurrence of the building official, that:

1. No temporary parking configuration has been approved for the lot pursuant to subsection D of this section; and

2. The owner of the lot has demonstrated that the reduction of parking spaces shall not adversely affect use of that lot, an adjacent public right-of-way or an adjacent lot.

(GAAB 21.05.060.R; AO No. 84-255; AO No. 87-31, 7-18-87; AO No. 2007-101(S), § 1, 9-11-07)

**21.45.150 Home occupations.**

An occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

- A. Only one nonresident and the permanent residents of a dwelling unit may be engaged in a home occupation on the premises;
- B. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following:
  - 1. No more than the lesser of 25 percent or 500 square feet of the floor area of the dwelling is devoted to the home occupation; or
  - 2. Two hundred square feet of an accessory building is devoted to 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 signs in accordance with AMC 21.47.040;
- D. Vehicles making deliveries shall not be parked on the site for a period exceeding one hour;
- E. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed ten percent of the area devoted to the home occupation, except on lots 40,000 square feet or larger in rural zoning districts as defined in AMC 21.85.020. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district yard setback;
- F. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, radiation, or odors detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or in an accessory structure. Particle accelerator systems, including cyclotrons, may not be used in a home occupation. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises; and

- H. The home occupation shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m.

(GAAB 21.05.060.S; AO No. 82-204; AO No. 2005-178, § 1, 1-24-06; AO No. 2005-150(S-1), § 10, 2-28-06)

**Cross reference**—Business licenses and regulations, tit. 10.

**21.45.160 Signs (Repealed).**

(GAAB 21.05.060.K; AO No. 77-5; AO No. 78-124; AO No. 79-45; AO No. 79-179A; AO No. 77-355; AO No. 81-97; AO No. 83-52; AO No. 85-18; AO No. 85-23; AO No. 85-159; AO No. 85-173, 3-17-86; AO No. 86-19; AO No. 87-143; AO No. 88-147(S-2); AO No. 91-90(S); AO No. 2003-62(S-1), § 3, 10-1-03)

**Editor's note**—AO No. 2003-62(S-1), § 3, effective Oct. 1, 2003, repealed § 21.45.160 which pertained to signs. The user is directed to new Ch. 21.47 for current sign provisions. See also the Code Comparative Table.

**Cross references**—Business licenses and regulations, tit. 10; streets and rights-of-way, tit. 24.

**21.45.170 Uses involving sale of alcoholic beverages. (Repealed)**

(AO No. 85-21)

**21.45.180 Child care services. (Repealed)**

(AO No. 81-67(S); AO No. 83-52; AO No. 85-8; AO No. 85-18; AO No. 85-23; AO No. 85-187; AO No. 91-90(S); AO No. 2005-185(S), § 29, 2-28-06)

**Editor's note**—AO No. 2005-185(S), § 29, effective Feb. 28, 2006, repealed § 21.45.180 which pertained to child care services. See also the Code Comparative Table.

**21.45.190 Cluster housing development. (Repealed)**

(AO No. 85-21)

**21.45.200 Transition and buffering standards.**

A. *Purpose.* The purpose of this section is to mitigate the impacts of nonresidential land uses upon residential uses, and of more intense residential land uses upon less intense residential uses, including but not limited to visual, noise, traffic and environmental impacts. This section shall not apply to small residential care facilities unless made a condition associated with reasonable accommodation.

B. *Definitions.* As used in this section:

*Adjacent.* Two lots are adjacent where they have a common lot line or where they are separated only by a street right-of-way not designated as an industrial/commercial collector, or for minor arterial or greater capacity, on the official streets and highways plan.

*Developed density.* The developed density of a residential lot is the greater of the following:

1. The existing residential density of the lot; or
2. The maximum residential density permitted on the lot, or on any subdivision of the lot that conforms to the comprehensive plan in the manner required by chapter 21.05.

*Lot* includes the term "tract."

*Nonresidential lot* means a lot that is not a residential lot.

*Residential lot* means a lot in an R-1 through R-11, D-2, D-3 or T district.

*Rural residential lot* means a residential lot with a developed density not exceeding 2.2 dwelling units per acre.

*Urban residential lot* means a residential lot with a developed density exceeding 2.2 dwelling units per acre.

C. *Rural transition and buffering standards.* The authority acting upon a zoning map amendment, conditional use or subdivision shall require

the zoning map amendment, conditional use or subdivision to conform to the following standards where an urban residential lot with an existing residential density not exceeding 2.2 dwelling units per acre, or a nonresidential lot, is adjacent to a rural residential lot:

1. Access to the subdivision containing the urban residential lot or nonresidential lot shall be from a street designated for collector or greater capacity on the official streets and highways plan, or from a residential major street as defined in section 21.85.050 connected to a street designated for collector or greater capacity on the official streets and highways plan. Lots within the subdivision shall have access only to an interior subdivision street.
2. Where the urban residential lot or nonresidential lot is adjacent to a rural residential lot, there shall be a transition space in the urban residential lot or nonresidential lot conforming to subsection E of this section.
3. Where the urban residential lot or nonresidential lot is the subject of a zoning map amendment, the petitioner shall:
  - a. Include in its zoning map amendment proposal a special limitation providing for development under a site plan providing for transition space as required under this subsection; and
  - b. Present the site plan to a meeting of residents of the surrounding neighborhood, and to a meeting of the community council for the surrounding neighborhood, before the planning and zoning commission hearing on the zoning map amendment.

D. *Urban transition and buffering standards.*

1. *Applicability.* The authority acting upon a zoning map amendment, conditional use or subdivision application:
  - a. May apply the standards in subsection E.2 of this section to:
    - (1) A nonresidential lot adjacent to an urban residential lot; or

- (2) A residential lot adjacent to a nonresidential lot; or
- (3) An urban residential lot with an area (before any proposed subdivision) of at least ten acres that is adjacent to an urban residential lot of lower developed density as set forth in the following schedule:

<i>Developed Density of Adjacent Part of Lot Subject to Application</i>	<i>Developed Density of Adjacent Urban Residential Lot</i>
Greater than 10 DU/A	3—6 DU/A
Greater than 20 DU/A	6—10 DU/A

- b. Where the authority finds that conformity to those standards will:
  - (1) Mitigate the probable visual, noise, traffic or environmental impacts of the nonresidential or more intense urban residential land use upon the urban, or less intense urban, residential land use;
  - (2) Mitigate other identifiable incompatibilities between land uses or residential densities; or
  - (3) Protect a critical environmental or cultural feature identified for protection in a municipal plan adopted by the assembly.

2. *Standards.*

- a. The nonresidential lot, or the urban residential lot with the greater developed density, shall contain a transition space conforming to subsection E of this section.
- b. Except where transition space is provided under subsection E.3.b of this section, if the nonresidential lot or more intensely developed urban residential lot is the subject of a zoning map amendment, the zoning map amendment shall include a special limitation providing for development under a site plan conforming to this subsection. The site plan shall be

subject to review by the director of community planning and development. Any person adversely affected by the action of the director of community planning and development may appeal that action to the planning and zoning commission within 15 days. The appeal shall be scheduled before the commission within 45 days of its filing. The planning and zoning commission shall treat the appeal as an original site plan review application.

E. *Transition space.*

- 1. A transition space shall accomplish one or more of the following objectives as appropriate under the circumstances:
  - a. Materially obscure the visual outlines of buildings on the more intensely developed lot from the adjacent protected lot;
  - b. Establish a street frontage compatible with that of the adjacent protected lot; or
  - c. Diminish the impact of noise from the more intensely developed lot onto the adjacent protected lot.
- 2. Except as provided in subsection 4 of this subsection, the approving authority shall consider the following factors in determining the type and depth of the transition space:
  - a. The distance of structures on the more intensely developed lot from the adjacent protected lot;
  - b. The type and density of natural and imported plantings in the transition space, including the effects of seasonal changes, or the use of screening structures in lieu thereof;
  - c. The buffering functions of slopes and other topographic features;
  - d. The uses on the more intensely developed lot and the adjacent protected lot; and

- e. The design of, and traffic volume on, any street separating the more intensely developed lot from the adjacent protected lot.
- 3. The transition space shall take one of the following forms:
  - a. A tier of lots conforming to the average lot width and building setback of the adjacent protected lots.
  - b. Open space in a cluster or planned unit development conforming to this title.
  - c. A peripheral buffer yard containing only vegetation, natural topographic barriers or screening structures. A peripheral buffer yard may be part of the yard in a lot, or a separate tract. The use of the peripheral buffer yard shall be restricted by recorded easement or covenant.
  - d. Another form, having a similar effect, that is approved by the authority.
- 4. Standards for peripheral buffer space containing only vegetation are as follows:
  - a. A peripheral buffer space required under subsection D of this section that contains only vegetation shall be at least as deep as the greater of:
    - (1) The landscaped area required under chapter 21.40; and
    - (2) The buffer yard depth required by the schedule in subsection c of this subsection.
  - b. A peripheral buffer space required under subsection D of this section that contains only vegetation shall be planted with the greater of the quantities of landscaping required under the following:
    - (1) Chapter 21.40; and
    - (2) The schedule in subsection c of this subsection.

c. The buffer space schedule is as follows:

<i>Use of Lot Containing Buffer Space</i>	<i>Use of Lot Adjoining Buffer Space</i>	<i>Type of Landscaping</i>	<i>Depth of Buffer Space (feet)</i>
Multifamily dwelling (greater than 10 DU/A)	Single-family or multifamily residential (3—6 DU/A)	Buffer	15
Multifamily dwelling (greater than 20 DU/A)	Multifamily residential (6—10 DU/A)	Buffer	15
Single-family residential (3—6 DU/A)	Junkyards, natural resource extraction, mobile home park, camper park, industrial	Screening	30
Single-family residential 3—6 DU/A)	Commercial/institutional	Buffer	15
Multifamily residential greater than 6 DU/A (6—10 DU/A)	Junkyards, natural resource extraction, mobile home park, camper park, institutional	Screening	30
Multifamily residential greater than 6 DU/A (6—10 DU/A)	Commercial/industrial	Buffering	15

5. Nothing in this section prohibits the use of transition space required under this section to meet minimum open space requirements for a cluster housing development or planned unit development, or to meet other minimum yard or open space requirements of this title.

*F. Subdivision of lot following zoning map amendment.* A lot subject to a zoning map amendment under this section is not subject to additional requirements under this section when it is subdivided.

(AO No. 85-20; AO No. 85-173, 3-17-86; AO No. 2005-185(S), § 30, 2-28-06; AO No. 2005-124(S-1A), § 30, 4-18-06)

#### **21.45.210 Stream protection setback.**

*A. Required.* There shall be a stream protection setback conforming to this section along all of the streams and their tributaries located within the municipality, including but not limited to those streams designated on the maps and list accompanying this section.

*B. Width.* A stream protection setback shall be a minimum of 25 feet wide on either side of the stream, measured landward from the edge of the bed of the stream, identified by the ordinary high-water mark, provided that all stream protection setbacks along streams less than five feet wide at ordinary high water shall be 25 feet wide, on either side of the thread of the stream.

*C. Prohibited activities in setback area.* Except as provided in subsection D of this section, within the area of a stream protection setback:

1. No vegetation may be cleared or otherwise significantly disturbed.
2. No grading or excavation work may be performed.
3. No structures, fill, paving, vehicles or other materials may be placed.
4. Channel alteration, including culvertization other than for roadway crossings, is prohibited unless a variance is obtained under the provisions of section 21.15.010, and a flood hazard permit is obtained as per chapter 21.60 and section 21.15.020.

5. No storage or processing of hazardous materials or other substances that would constitute a violation of chapter 15.40 is permitted.

#### *D. Permitted uses and structures.*

1. The following structures and uses of land or structures are permitted within the closest 15 feet of the stream protection setback to the stream where it is necessary for them to cross or enter the stream protected by the setback. Appropriate permits may still be required for in-stream or floodplain activities.

- a. Transportation facilities;
- b. Utility facilities. Existing utility facilities constructed within 15 feet of streams are not affected by this section. Maintenance of such lines is a permitted use. Replacement of utility facilities should be considered outside of the creek maintenance easement whenever feasible;
- c. Drainage facilities, with provisions for water quality control devices, and the necessary maintenance thereof;
- d. Public recreation facilities, such as trails;
- e. Stream maintenance, including placement of riprap, revegetation, debris removal, glaciation control, grading and sediment removal, protection of adjacent or downstream land from flooding, and to control erosion or stabilize soils;
- f. Habitat restoration; and
- g. Revegetation of disturbed areas with shrubs, trees and ground cover similar to natural vegetation in the area.

Areas disturbed by construction permitted under this subsection shall be revegetated with trees, shrubs and grasses similar to natural vegetation in the area. Revegetation is to occur during the same growing season, except as otherwise permitted by the administrative official.



2. The following structures and uses of land or structures are permitted to parallel the stream or tributary within the outer ten feet of the protection setback:
  - a. Utility facilities;
  - b. Drainage facilities; and
  - c. Public recreation facilities, such as trails;

provided that such facilities are either buried or involve no impervious surface areas, and provided that all disturbed areas shall be revegetated with trees, shrubs and ground cover similar to natural vegetation in the area. Revegetation is to occur during the same growing season, except as otherwise permitted by the administrative official.

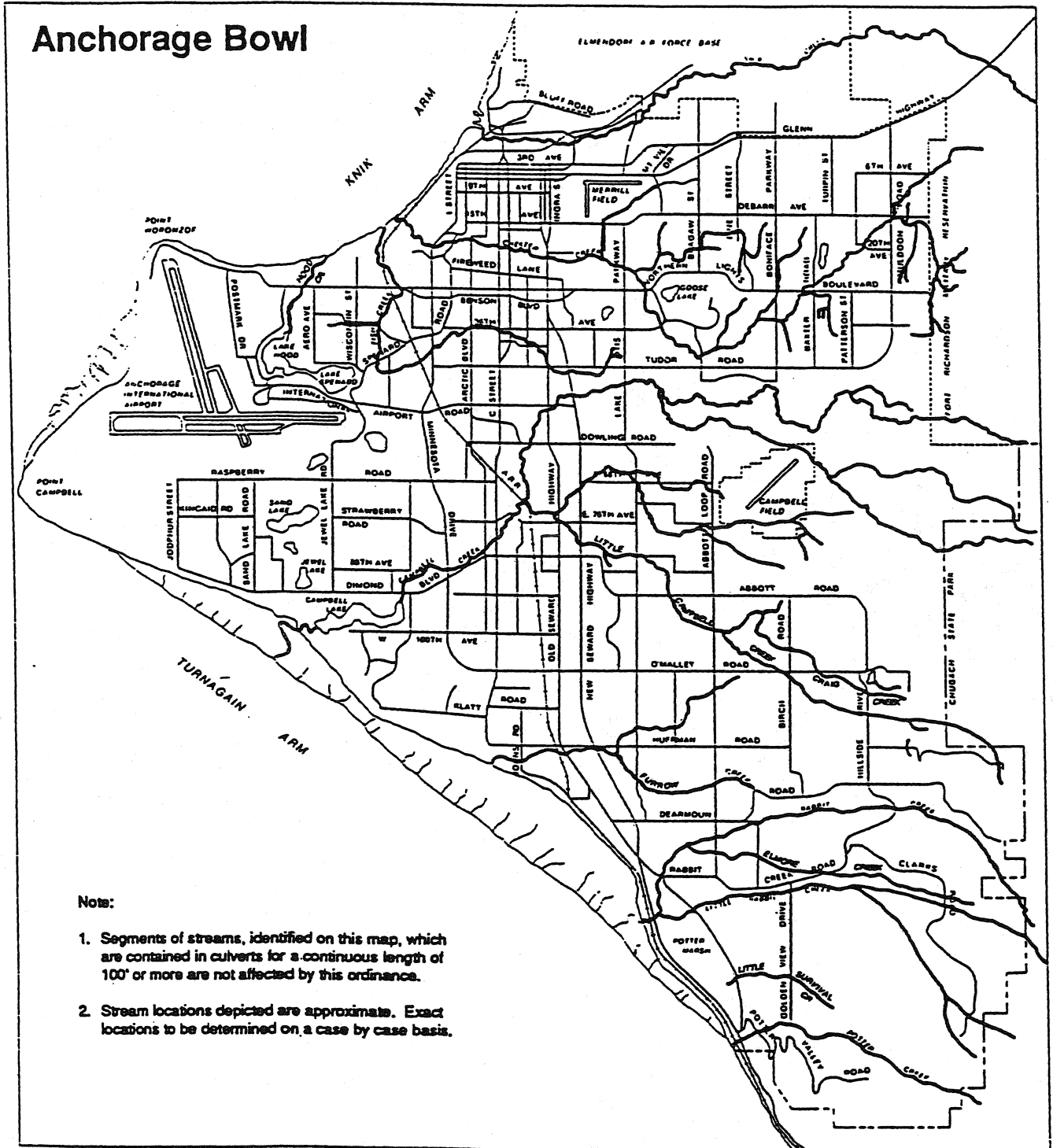
*E. Structures and uses otherwise prohibited.*  
This section does not permit any structure, or any use of land or a structure, otherwise prohibited by this title.

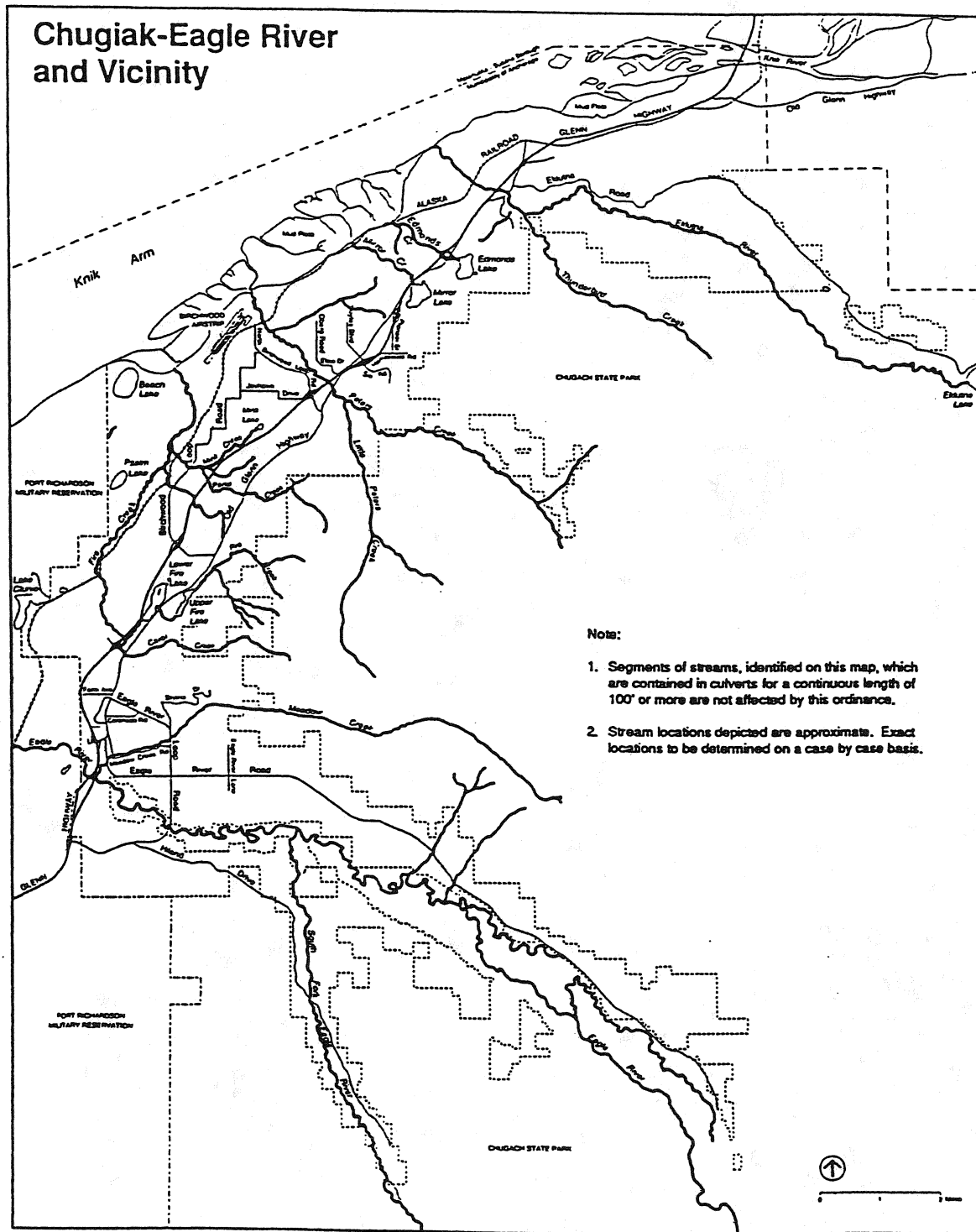
*F. Exception for streams contained in culverts.*  
Segments of streams or tributaries which are contained in culverts for a contiguous length of 100 feet or more are not affected by this section.

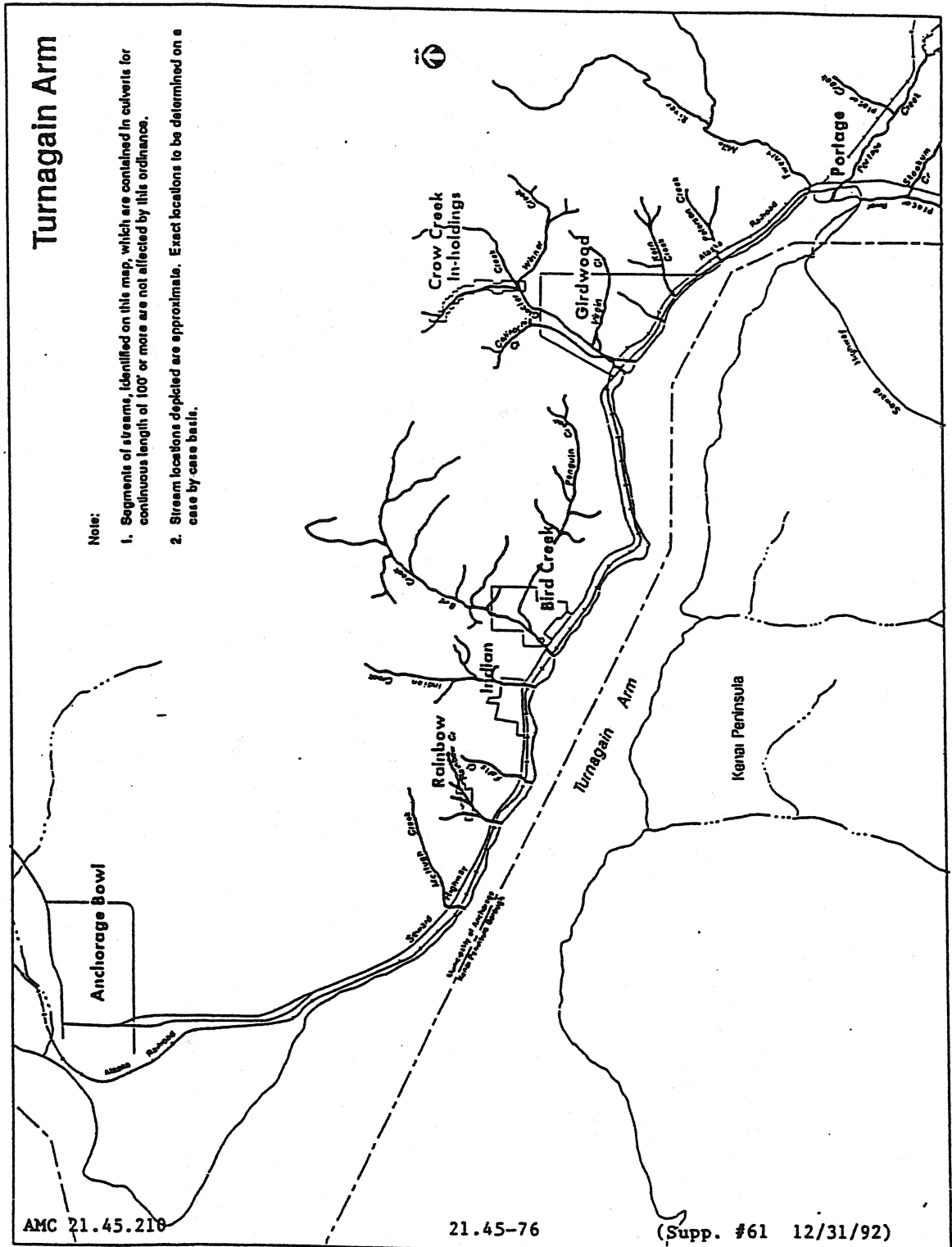
#### STREAMS PROTECTED BY STREAM PROTECTION SETBACK

Bird Creek  
California Creek  
Campbell Creek  
Carol Creek  
Chester Creek  
Craig Creek  
Crow Creek  
Eagle River (including South Fork)  
Edmonds Lake Creek  
Eklutna River  
Elmore Creek  
Falling Water Creek  
Falls Creek  
Fire Creek  
Fish Creek  
Furrow Creek  
Glacier Creek

Gold Creek  
Hood Creek  
Hunter Creek  
Indian Creek  
Knik River  
Little Campbell Creek  
Little Peters Creek  
Little Rabbit Creek  
Little Survival Creek  
McHugh Creek  
Meadow Creek  
Mink Creek  
Mirror Creek  
Mystery Creek  
Parks Creek  
Penguin Creek  
Peters Creek  
Placer Creek  
Portage Creek  
Potter Creek  
Rabbit Creek  
Rainbow Creek  
Ship Creek  
Skookum Creek  
Thunderbird Creek  
Twenty-Mile River  
Vern Creek  
Virgin Creek  
Winner Creek







(AO No. 85-57; AO No. 92-128(S))

**21.45.220 Townhouse development.**

A. *Intent.* Townhouse development is a platting alternative creating a planned project of two townhouse units constructed as a single building erected generally in a row.

B. *Authorization.* A townhouse development may be created and divided into townhouse lots in the R-2M, R-2A and R-2D zoning districts.

C. *Townhouse plat, lot and development requirements.*

1. *Plat requirements.* Townhouse lots are the lots resulting from platting a townhouse development. Townhouse lots shall have a minimum area of 3,500 square feet in the R-2M and R-2D districts, and 4,200 square feet in the R-2A district. Townhouse lots shall have a minimum 35-foot lot width or minimum 40-foot lot width if a corner lot. Platting of two lots shall follow the procedures set forth in AMC 21.15.125 and other applicable ordinances in effect. Platting of three or more lots shall follow the procedures set forth in AMC 21.15.115 and other applicable ordinances in effect.
2. *Plans and site plan requirements.* The subdivider of the townhouse project shall submit 30 copies of a site plan with the preliminary plat application. The plans/site plan shall include the following:
  - a. Footprint of proposed structures which shall include at least one, single-car garage for each townhouse unit.
  - b. Landscape plan showing grass, trees, and shrubs for all unpaved areas. Landscaping shall amount to at least 1.0 percent of the projected value of each townhouse.
  - c. Driveways at least 16 feet but not more than 18 feet wide and paved walkways.
  - d. Drainage plan.
  - e. Soils report, test hole log information, and highest seasonal groundwater elevations if required by public works.
  - f. Ten-foot snow storage easement on the front property line.
  - g. Preliminary house plans for each townhouse. Show elevation of bottom of crawl space in relation to height of water table if within 15 feet.
  - h. Proposed party wall agreement and subdivision covenants.
3. *Common wall requirements.* Each townhouse unit must be separated from the adjoining unit by a one-hour fire resistant property line wall on each side of the townhouse lot line extending from the basement floor or crawl space to 30 inches above the roof (or meeting the parapet exception) in order to provide the property line protection in compliance with applicable building and fire codes. The combined property line walls must also provide an airborne sound transmission class (STC) of 50 (45 if tested) per the UBC. Each unit must have its own access to the outside, and no unit may be located over another unit in whole or in part.
4. *Other requirements.* No side yard setback is required for principal townhouse structures placed on the common lot line. Detached accessory structures shall observe the five-foot side yard setback on the common lot line. Lot coverage shall not exceed 35 percent. All other requirements of the zoning district shall apply except the provisions modified within this section. Structures shall not be permitted on a lot other than a townhouse unit as defined herein and customary accessory structures.
5. *Party wall agreement and site plan.* The subdivider of the townhouse project shall submit for approval with the preliminary plat a copy of the proposed party wall agreement and site plan. Prior to final plat approval, the subdivider shall submit to the municipality a final copy of the plat and the party wall agreement. The party wall agreement shall be recorded simultaneously with the plat.
  - a. The party wall agreement shall adequately provide for maintaining the

uniformity and common appearance of the exterior of all structures and landscaping in accordance with the approved site plan.

- i. The paint and trim colors for both units of each structure shall be the same and landscaping shall be installed and maintained as a common design for both units of each structure.

D. The platting authority may approve, modify or reject the site plan if it fails to meet submittal requirements or is substantially out of character with the existing neighborhood. The final, approved site plan and house plans shall be provided to Land Use Enforcement. No building or land use permit shall be issued except in conformance with the approved site plan and house plans. A final zoning inspection prior to occupancy is required to verify conformance.

(AO No. 96-124, § 3, 10-1-96)

**Editor's note**—AO No. 96-124, § 3, added a new § 21.45.220. Formerly, such section pertained to zero lot line development and derived from AO No. 80-42; AO No. 82-54; AO No. 84-52; AO No. 85-32; AO No. 85-18; AO No. 85-163; AO No. 87-1.

#### 21.45.230 Storm drainage.

Prior to the issuance of a building or land use permit, the applicant shall provide a site drainage plan for the area affected by the application, including an appropriate drainage outfall for surface water and roof drainage. The drainage plan shall also indicate effects if any, on adjacent properties.

(AO No. 85-173, 3-17-86)

**Cross references**—Building regulations, ch. 23.05; streets and rights-of-way, tit. 24.

#### 21.45.235 Churches.

A. *Applicability.* Churches within an R-1, R-1A, R-2A, R-2D, R-2M, R-3SL, R-5, R-5A, R-6, R-7, R-8, R-9, R-10 or R-11 zoning district shall conform to the requirements of this section. Churches in all other zoning districts shall comply with the requirements of this chapter exclusive of the provisions of this section.

B. *Lot area and width.* A church site must have a minimum area of 14,000 square feet and a minimum width of 100 feet at any point.

C. *Maximum height.* A church may not exceed the height permitted in the zoning district in which it is located, except that, in districts where the maximum height is 30 feet, the maximum height for a church or a portion of a church may increase to a maximum height of 40 feet so long as the vertical distance between any point on the church and the level of the ground at any reference point on any property line for the church site shall not exceed one-half of the horizontal distance between the two points.

D. *Lot coverage.* A church may not exceed the maximum lot coverage allowed in the zoning district in which it is located.

E. *Yard requirements.* A church is required to meet the minimum yard requirements in the zoning district in which it is located.

F. *Traffic access.* At least one property line of the church site which is at least 50 feet in length must abut a street designated as a class I or greater on the official streets and highways plan unless:

1. The church site abuts a zoning district in which a church is a permitted use; and
2. The applicant demonstrates during the agency review process described in subsection G of this section that the traffic to be generated by the church will flow primarily through the zoning district in which a church is a permitted use.

#### G. *Site plan.*

1. *Contents.* A site plan must be prepared and approved by the director of community planning and development or his designee which demonstrates that the church will not have a permanent or negative impact on those items listed in this subsection substantially greater than that anticipated from permitted residential development:

- a. Pedestrian and vehicular traffic circulation and safety.
- b. Demand for an availability of public services and facilities.

- c. Noise pollution, air pollution, water pollution and other forms of environmental pollution.
  - d. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by chapter 21.05.
2. *Procedure for approval.* At least 30 days before acting on a church site plan application under this section, the director of community planning and development shall publish notice of the application. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the church site and to owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days of the site plan application submission date.
3. *Appeals.* A decision of the director of community planning and development or his designee under the authority set forth in this subsection G is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the church site. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.30.010.B.

H. *Use of church for other purposes.* The standards of this section apply to all churches as defined in this title. Compliance with these standards does not authorize the use of a church or an addition to a church for any other purpose. (AO No. 86-90; AO No. 88-144; AO No. 2001-47(S), § 1, 8-28-01; AO No. 2009-134, § 1, 1-12-10)

#### **21.45.240 Location of premises where children are not allowed.**

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

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

1. A public or parochial school;
2. A public park;
3. A church;
4. Property zoned residential, except R-11;
5. R-11 zoned property designated as residential in the comprehensive plan;
6. PC zoned property designated as residential in the PC master plan;
7. Public recreational facilities;
8. Child care centers; or
9. Public libraries.

C. *Compliance with state standards.* Where the state has provided specific standards for determining an enterprise's permissible location then the state's means of measurement shall apply. Such enterprises must also comply with



subsection B of this section if the enterprise engages in other activities not regulated by the state for which title 8 prohibits the presence of minors or unaccompanied minors on the premises.

*D. Administrative permit required.* An administrative permit shall be on display in a prominent place. This permit shall certify that, when granted, the enterprise was in compliance with subsection B or C of this section. This permit shall be obtained from the administrative official designated pursuant to section 21.10.005. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand. In addition, a permit granted under subsection C of this section shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B of this section.

*E. Premises without permit.* An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

(AO No. 88-37(S); AO No. 89-131; AO No. 2005-185(S), § 31, 2-28-06)

**Cross references**—Adult entertainment establishments, license required, restrictions, § 10.40.050; alcoholic beverages, ch. 10.50.

#### **21.45.245 Standards—Nightclub, unlicensed.**

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

*B. Minimum distance from certain uses.* Except for teen nightclubs and underage dances permitted under chapter 10.55 and unless the exemption described in subsection E. applies, an unlicensed nightclub shall be located so that all

portions of the lot on which the unlicensed nightclub is located shall be 300 feet or more from the lot line of property on which is located:

1. A public, private or parochial school;
2. Property zoned residential; or
3. R-11 zoned property designated as residential in the comprehensive plan.

*C. Administrative permit required.* An administrative permit for each unlicensed nightclub shall be obtained from the department of public works and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with subsection B. of this section or that the unlicensed nightclub fits within the exemption set forth in subsection E. of this section. This permit shall be obtained from the administrative official designated pursuant to section 21.10.005. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

*D. Premises without permit.* Except as provided in subsection E., an unlicensed nightclub not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required. For purposes of this section, "to operate" means to direct or control the work force of an enterprise or to start or keep the enterprise working.

*E. Exemptions allowing amortization of existing nonconforming use.* If an unlicensed nightclub is an existing nonconforming use on December 8, 1998, such unlicensed nightclub has an automatic exemption for 30 days. The operator of an unlicensed nightclub which is an existing nonconforming use as of this ordinance's effective date may apply for an exemption of longer than 30 days if such application is made no later than 30 days after December 8, 1998, to the administrative hearings officer for administrative adjudication under chapter 3.60. The reasonableness of a request for an exemption longer than 30 days shall be decided through a quasi-judicial determination. The purpose of the exemptions created by this subsection is to allow for amortization of the investment made in such existing nonconforming

use before such use is terminated by the operation of this ordinance. Such quasi-judicial determination shall be made with consideration of the following:

1. The structure which is a nonconforming use;
2. The location of the land on which sits a nonconforming use in relation to surrounding uses;
3. The investment in the nonconforming use;
4. The value of the land and improvements which constitute the nonconforming use relative to the value of surrounding land, improvements, and uses;
5. The benefit derived by the public from the nonconforming use;
6. The length of the period of nonconforming use;
7. The nature of the neighborhood surrounding the nonconforming use;
8. The value and condition of the improvements on neighboring premises;
9. The nearest area which an unlicensed nightclub can operate as a conforming use;
10. The cost of moving an unlicensed nightclub from an area in which such nightclub is a nonconforming use to an area in which such nightclub is a conforming use;
11. Any other reasonable costs which bear upon the kind and amount of damages sustained by terminating a nonconforming use; and
12. Any other factors relevant to this determination.

(AO No. 98-160, § 12, 12-8-98; AO No. 2003-56, § 1, 7-8-03)

#### **21.45.250 Bed and breakfast with three or less guestrooms.**

A bed and breakfast is intended to be a minor and incidental commercial activity located only in a host/owner-of-the-enterprise-occupied, single-family dwelling, or one unit of a two-family dwell-

ing. The unit must be the host/owner-of-the-enterprise-occupied unit, as an accessory use which is clearly an adjunct and subordinate land use to the home, while still protecting and maintaining the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.

A bed and breakfast located within a residential district and having three guestrooms or less shall conform to the requirements of this section.

- A. Occupancy shall be established at the time of each annual administrative permit.
- B. No more than three guestrooms shall be offered for use at any one time.
- C. The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast unit of a two-family structure as his primary domicile at all times while it is operated as a bed and breakfast.
- D. The exterior of the building shall not reflect the operation of the bed and breakfast there, except that one sign may be mounted flat against the principal building so long as it is not illuminated and does not exceed one square foot in size.
- E. Every bed and breakfast shall meet the off-street parking requirements stated in section 21.45.080, and in its annual administrative permit.
- F. Every bed and breakfast supported by on-site well and wastewater disposal systems shall conform to the requirements of chapter 15.65, pertaining to wastewater disposal regulations, and shall provide a one-time only health authority certificate.

(AO No. 88-171(S-1), 12-31-88; AO No. 93-58)

**Cross references**—Business licenses and regulations, tit. 10; hotel-motel room tax, ch. 12.20; transient lodging facilities, § 21.45.260.

### **21.45.255 Bed and breakfast with four guestrooms.**

A bed and breakfast having three guestrooms shall be located only within the R-1/R-1A, R-2A/R-2D, R-2M, R-3, R-4, R-5/R-5A, R-6, R-7, R-8, R-9, R-10, R-11, R-O, B-1A, B-1B, B-2A, B-2B, B-2C, B-4 or T district. A bed and breakfast with four guestrooms shall conform to section 21.45.250 and shall require an administrative permit. The permit shall be issued in accordance with the following procedures:

- A. The applicant shall prepare a site plan which demonstrates, in the opinion of the director of community planning and development, that the bed and breakfast will not have a permanent and negative impact on those items listed in this subsection substantially greater than that anticipated from permitted residential development:
  1. Pedestrian and vehicular traffic circulation and safety.
  2. Demand for and availability of public services and facilities.
  3. Noise, air, water and other forms of environmental pollution.
  4. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by chapter 21.05.
- B. At least 30 days before the applicant operates a bed and breakfast under this section, the director of community plan-

ning and development shall publish notice of the application. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the bed and breakfast site and to the owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days after the site plan application submission date.

- C. A decision to grant, deny or otherwise act upon an application submitted under this section shall be final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed only by the applicant or by means of a petition signed by at least one-third of the owners of land (excluding rights-of-way) within 500 feet of the outer boundary of the site. In the event of an appeal, the planning and zoning commission shall hold a public hearing in accordance with section 21.15.005 to decide the terms and conditions of a permit in accordance with the standards of this section, if any is issued at all. The planning and zoning commission's decision may be appealed in accordance with section 21.30.010.B.

(AO No. 88-171(S-1), 12-31-88; AO No. 2009-134, § 1, 1-12-10)

**Cross reference**—Hotel-motel room tax, ch. 12.20.

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### **21.45.260 Transient lodging facilities zoning matrix.**

Transient lodging facilities shall comply with the following standards. Notwithstanding section 21.10.025.A, no part of this matrix may be the subject of a variance.

TRANSIENT LODGING FACILITIES ZONING MATRIX

	<i>Bed and Breakfast</i>			<i>Roominghouse, 4+ Guestrooms</i>	<i>Motel, 6+ Guestrooms</i>	<i>Hotel, 20+ Guestrooms</i>
	<i>3 Guestrooms</i>	<i>4 Guestrooms</i>	<i>5 Guestrooms</i>			
R-1/R-1A single-family district	P	ASP	CU	NP	NP	NP
R-2A/R-2D duplex district	P	ASP	CU	NP	NP	NP
R-2M multifamily district	P	ASP	CU	CU (1)	NP	NP
R-3 multifamily district	P	P	P	P	NP	NP
R-4 multifamily district	P	P	P	P	P	P
R-5/R-5A rural residential district	P	ASP	CU	CU (2)	NP	NP
R-6 suburban residential district	P	ASP	CU	CU (3)	NP	NP
R-7 intermediate residential district	P	ASP	CU	CU (4)	NP	NP
R-8 rural residential district	P	ASP	CU	CU (5)	NP	NP
R-9 rural residential district	P	ASP	CU	CU (6)	NP	NP
R-10 alpine/slope residential district	P	ASP	CU	NP	NP	NP
R-11 Turnagain Arm district	P	ASP	CU	CU	CU	CU
R-O residential office district	P	P	P	P	P	P
B-1A local neighborhood business district (8)	P	P	P	P	NP	NP
B-1B commercial business district (9)	P	P	P	P	NP	NP
B-2A core central business district (10)	P	P	P	P	NP	P
B-2B intermediate central business district (11)	P	P	P	P	NP	P
B-2C periphery central business district (7, 12)	P	P	CU	P	NP	P
B-3 general business district (13)	NP	NP	NP	P	P	P
B-4 rural business district (8)	P	P	P	P	P	P
I-1 light industrial district	NP	NP	NP	NP	CU	CU
I-2 heavy industrial district	NP	NP	NP	NP	NP	NP
I-3 rural industrial district	NP	NP	NP	NP	NP	NP
W watershed district	NP	NP	NP	NP	NP	NP
T transition district	P	ASP	CU	CU	CU	CU

	<i>Bed and Breakfast</i>			<i>Roominghouse,</i>	<i>Motel, 6+</i>	<i>Hotel, 20+</i>
	<i>3</i> <i>Guestrooms</i>	<i>4</i> <i>Guestrooms</i>	<i>5</i> <i>Guestrooms</i>	<i>4+</i> <i>Guestrooms</i>	<i>Guestrooms</i>	<i>Guestrooms</i>
PC planned community district	—	—	—	—	—	—
MC marine commercial district	NP	NP	NP	NP	CU	CU
MI marine industrial district	NP	NP	NP	NP	NP	NP

P = Permitted accessory use.  
 CU = Conditional use.  
 NP = Not permitted.  
 ASP = Administrative site plan review.

1. Not to exceed eight rooms in the R-2M district.
2. The minimum lot size shall be at least 13,000 square feet.
3. The minimum lot size shall be at least 108,900 square feet.
4. The minimum lot size shall be at least 40,000 square feet.
5. The minimum lot size shall be at least 326,700 square feet.
6. The minimum lot size shall be at least 163,350 square feet.

**Residential uses allowed in commercial district:**

7. Single-family, two-family dwelling uses.
8. Single-family, two-family, multifamily.
9. Multifamily uses same as R-3; no single-family or two-family dwelling uses.
10. Multifamily (only) occupying no more than 50 percent of gross floor area of building.
11. Multifamily (only) at a density of not less than 25 dwelling units per acre.
12. Multifamily (only).
13. Multifamily (only) at a density of not less than 12 dwelling units per acre.

(AO No. 88-171(S-1), 12-31-88; AO No. 91-90(S))

Cross reference—Bed and breakfast regulations, § 21.45.250.

**21.45.263 Amateur radio stations and receive only antennas.**

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

- a. The antenna and tower structure are part of a federally-licensed amateur radio station, and
- b. In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

2. The installation and use of antenna(s) smaller than one meter in any dimension for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon, and noncommercial receive only antennas are exempt from this title except for roof mounted satellite dishes greater than one meter in residential districts as specified in this section. Roof

mounted satellite dishes greater than one meter in diameter in residential districts shall be only permitted by conditional use.

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

4. Any antenna or tower structure erected under this section shall not exceed the height limits set forth in chapter 21.65 of this title nor interfere with Federal Aviation Administration Regulations on airport approaches. (AO No. 99-62, § 32, 5-11-99; AO No. 2000-71(S-3), § 1, 6-27-00)

**Editor's note**—It should be noted that § 4 of AO No. 2000-71(S-3), provides that "The planning and zoning commission shall review the terms of AO No. 2000-71(S-3) and advise the municipal assembly on any revisions required to maintain the effectiveness and intent of the ordinance as the result of changes and technology prior to January 1, 2003. This provision amends Section 38 of AO 99-62."

#### **21.45.265 Community and local interest towers.**

##### *A. General provisions:*

1. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:
    - a. Type 1 equal to or greater than the district yard minimums;
    - b. Type 2 equal to or greater than the distance measured from grade to the first taper transition;
    - c. Type 3 equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application
    - d. Type 4 - none.
2. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:
    - a. Guy wire with a nominal diameter of 0.25 inches or less—25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.
    - b. Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches—25 feet, provided the setback may be reduced to 5 feet if the anchor structure is enclosed within a sight obscuring fence.
    - c. Guy wire with a nominal diameter equal to or greater than 0.625 inches—25 feet.
  3. Tower structure height
    - a. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.
    - b. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the base height, which ever is greater. Tower structures shall not exceed the height limits set forth in chapter 21.65 of this title nor interfere with Federal Aviation Administration Regulations on airport approaches.
    - c. Base height shall be as set forth below:
      1. Residential districts—65 feet

2. Commercial districts—130 feet
  3. Industrial districts—150 feet
  4. PLI districts—100 feet
  5. Watershed districts—100 feet
  6. Transition districts—100 feet
  7. AF districts—200 feet
- d. Collocation shall grant an additional 15 feet above the base height for each qualifying antenna to maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.
4. Collocation
- a. The collocation tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than 4 square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas.
  - b. Applicants for collocation shall provide proof in a form found acceptable to the Municipal Attorney that more than one service provider is using the collocation facility.
  - c. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically collocated thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in collocating additional facilities upon such towers. All licensed carriers shall exercise good faith in collocating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of collocation.
5. All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).
  6. Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.
  7. The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.
  8. Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the administrative official notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.

9. Notice and interference. An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.
10. Identification placard. An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:
  - a. The name and address of the tower structure owner;
  - b. The name and address of the tower structure manager, if different from the owner;
  - c. The date of erection of the tower structure; and
  - d. The owner's name and address of each antenna on the tower structure.
11. *Administrative permit required.* An administrative permit shall be obtained from the administrative official designated pursuant to section 21.10.005. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this title.
12. *Annual inventory.* By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are either within the municipality or within one mile of the border thereof as of December 31 of the previous year. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.
13. *Time period for construction.* Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.
14. *Notice of site selection and site plan review.*
  - a. *B-1A, B-1B, and Watershed zoning districts:*
    1. Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A, B-1B, and watershed zoning districts property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.
    2. Appeals. A decision of the administrative official to issue a building or land use permit is final unless appealed within the 30 day notice period to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An



- appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.30.010.B.
- b. *PLI and residential districts:* All type 1, 2, and 3 tower structures within a residential district as set forth in section 21.45.010 or PLI district shall be subject to a site plan review as set forth in this section except when a conditional use permit is required.
  - c. All zoning districts not referenced in paragraph a. or b. above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this chapter.
  - d. *General.* The following provisions shall govern the site plan review process for type 1, 2, and 3 tower structures. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the use district in which the tower is located.
    1. Applications for site plan review under this section shall be subject to AMC 21.50.200, except as modified in this section.
    2. In granting a site plan permit, the administrative official may impose conditions to the extent that the official concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.
  3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
  - e. *Information required.* Applicants for a site plan review for a tower structure shall submit the following information:
    1. The information required for tower conditional use permits as contained in 21.50.280.B.
    2. The information required concerning availability of suitable existing tower structures, other structures or alternative technology as contained in 21.50.280.D.
  - f. *Public participation process.* At least 35 days before acting on a tower site plan application under this section, the administrative official shall publish notice of the application. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice as provided for elsewhere in this title. Following notice of the site plan, the community council has 35 days from the date of the letter to respond. The administrative official shall take action on the site plan within 50 days of the site plan application submission. Upon action, the applicant will mail to all addressees on the original

notice list, the written action of the administrative official. The applicant shall document their public process including a list of who was notified, with what, and when as part of their permit application process.

- g. *Factors considered in granting site plan approval for tower structures.* In addition to the general standards for site plan approval, the administrative official shall consider the following factors in determining whether to issue a site plan permit:
    - 1. The factors considered in tower conditional use permits as contained in 21.50.280.C.
  - h. *Appeals.* A decision of the administrative official under the authority set forth in this subsection is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in Superior Court.
15. *Administrative permit revocation.* Unless cured, an administrative tower permit shall be revoked after notice, an administrative hearing as provided elsewhere in this title, and the opportunity to cure, for any of the following:
- a. Construction, and/or maintenance operation of a tower at an unauthorized location;
  - b. Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;
  - c. Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review or amend any permit pursuant to this chapter and which materially changes the application of the standards of approval of the permit;
  - d. Abandonment of a tower as set forth in this chapter, or
  - e. Failure to relocate or remove facilities as required in this chapter.
16. Minimum separation distance from protected land uses.
- a. A protected land use is defined as follows:
    - 1. Principal structures on PLI zoned lands;
    - 2. School buildings;
    - 3. Child care centers; and
    - 4. Principal residential structures on residentially zoned lands.
  - b. The minimum separation distance as measured from any principal structure built on any protected land use to the base of a tower shall be 200 percent of the allowable tower height.
  - c. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the minimum separation distance set forth in the paragraph b. above may be reduced or eliminated by the administrative official.
17. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this title after the effective date of this ordinance.

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

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

1. Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.
2. The tower structure and support structures shall be secured to prevent unauthorized access.
3. If any community interest or local interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional

use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet.

(AO No. 88-147(S-2); AO No. 99-62, § 33, 5-11-99; AO No. 2000-71(S-3), § 2, 6-27-00; AO No. 2005-185(S), § 32, 2-28-06; AO No. 2009-134, § 1, 1-12-10)

**Editor's note**—It should be noted that § 4 of AO No. 2000-71(S-3), provides that "The planning and zoning commission shall review the terms of AO No. 2000-71(S-3) and advise the municipal assembly on any revisions required to maintain the effectiveness and intent of the ordinance as the result of changes and technology prior to January 1, 2003. This provision amends Section 38 of AO 99-62."

#### **21.45.270 Setback from planned utility transmission facilities.**

A. No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum area stated in the utility corridor plan for planned electrical or telecommunication transmission facilities for which there is a projected easement or right-of-way, except as allowed under subsection B of this section.

B. The following uses and activities are permitted, with written acknowledgement of coordination with the affected utilities, within the setbacks described in subsection A of this section:

1. Sidewalks and pathways;
2. Trails and bicycle paths;
3. Bus shelters and bus turnouts;
4. Kiosks and seating units;
5. Utilities, utility easements and utility-related structures;
6. Landscaping required by chapters 21.40, 21.50 and 21.80, and consisting of ground cover, shrubs and understory trees whose maximum height does not exceed 30 feet;
7. Parking required under section 21.45.080;
8. Temporary parking as described in section 21.45.140.D;
9. Additional parking to that required by this title;
10. Open space and usable yards;
11. Fences and signs;

- 12. Retaining walls;
- 13. Remodeling of or addition to structures existing as of February 27, 1990, so long as it does not further intrude within the setback area after that date; and
- 14. Driveways and vehicular access points.

C. Applicable yard requirements stated elsewhere in this title may include the area of setback for electrical transmission facilities.

(AO No. 90-13(S))

**Cross reference**—Utilities, tit. 26.

**21.45.275 Zero lot line subdivisions.**

A. *Purpose.* The purpose of this section is to allow the continued development of existing, vacant and undeveloped existing zero lot line lots in those subdivisions affected by the sunseting, January 1, 1987, of the zero lot line ordinance. It is the intent of this section to ensure that the continued development will be superior to what presently exists by establishing development criteria that will encourage quality and aesthetically pleasing developments.

B. *Standards for undeveloped subdivisions.* All zero lot line subdivisions undeveloped with structures may be developed, redeveloped or replatted using the following standards and will be considered conforming development:

- 1. *Minimum lot requirements.* Minimum lot size and dimensions in any zoning district with platted zero lot line subdivisions are as follows:
  - a. Width: 40 feet.
  - b. Square footage: 4,000.
  - c. Depth: 100 feet.
  - d. Lot coverage: 30 percent.
- 2. *Site plan approval.* The platting board shall review and approve a site plan for all proposed new development based on the following minimum criteria:
  - a. A 40-foot front yard setback if no garage is proposed, or a 20-foot front yard setback with garage.

- b. A five-foot side yard setback for detached structures.
- c. A ten-foot side yard setback for attached structures.
- d. A ten-foot rear yard setback.
- e. Landscaping amounting to at least two percent of the project value which includes a grassed yard.
- f. Window placement designed to maximize solar benefit and minimize visual intrusion onto adjacent properties.
- g. An architectural style and exterior that is complimentary to the existing development in the neighborhood.
- h. Proposed ground and building elevations.
- i. Architectural rendering of the structure.
- j. Proposed structure location on the lot.

Copies of a proposed site plan meeting the criteria in this subsection shall be submitted with a preliminary plat to the department of community planning and development. An architectural rendering of the structure shall also be submitted.

A copy of the site plan approved by the platting board shall be forwarded to the building official for inclusion in the building or land use permit file.

C. *Standards for developed or partially developed subdivisions.* Zero lot line subdivisions developed with and without structures existing on May 1, 1990, are considered conforming development and may continue to exist as developed, may construct principal and accessory structures or additions to the principal structure, may rebuild after damage or destruction by any cause, and may replat to correct encroachments subject to the following standards:

1. *Minimum lot requirements.* Minimum lot requirements are as follows:

<i>District</i>	<i>Attached Area</i>	<i>Units Width</i>	<i>Detached Area</i>	<i>Units Width</i>
R-2A	4,200	35	4,200	35
R-2D	3,000	30	3,400	34
R-2M	3,000	30	3,400	34
R-3	3,000	30	3,400	34

2. *Minimum yard requirements.* Minimum yard requirements are as follows:

- a. Front yard: 20 feet.
- b. Side yard:
  - (1) Lots platted for attached units with one side yard completely abated: One wall of the principal structure shall be located on the side property line common with the adjacent lot, and there shall be an opposite minimum side yard of five feet in width. Accessory structures on the same lot shall either be placed at the property line of the abated side yard, or five feet from it, and shall maintain the minimum opposite side yard of five feet.
  - (2) Lots platted for detached units with maintenance easements: Side yard setbacks for these lots shall be the same dimension as the maintenance easements shown on the plat. A minimum ten-foot separation shall be maintained between structures on adjacent lots.
  - (3) Lots platted for detached units without maintenance easements shall provide five-foot side yards on both sides and maintain ten-foot separation between structures on adjacent lots.

- c. Rear yard: Ten feet.

3. *Maximum lot coverage.* Maximum lot coverage shall be the same as required in the zoning district in which the lot is located.

D. *Authority of platting board.* The platting board is the authority for resubdivision under this section.

(AO No. 90-49; AO No. 90-140)

#### **21.45.280 Gasoline service stations.**

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 this title or by the terms of a conditional use.

**Editor's note**—This section was formerly codified in the 1977 Code as the second and third sentences of subsection 21.35.020.B.44.

**Cross references**—Business licenses and regulations, tit. 10; hazardous materials, ch. 16.110.

#### **21.45.290 Standards for self-storage facilities and vehicle storage yards.**

A. *Size of site; traffic access.* The proposed self-storage site shall contain no less than one-half acre and no more than ten acres, and the proposed vehicle storage site shall contain no less than one acre and no more than ten acres. The proposed site shall have direct driveway access from a street constructed to appropriate Municipal commercial or urban standards as described in section 21.85.050 Table B for urban zoning districts and Table D for rural and suburban zoning districts, and as required by the Municipal Traffic Engineer.

B. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 50 percent in B-3 or B-4 zoning, and 75 percent in industrial zones.

C. *Maximum height of structures.* Maximum height of structures shall be 35 feet. Structures over 35 feet in height shall require conditional use approval.

D. *Parking.* Parking and circulation shall be provided pursuant to section 21.45.080 and reviewed by Traffic Engineering. There shall be a minimum on-site queue lane length of 50 feet and 24 feet wide for vehicles entering a security gate. The width of the gate shall be excluded from this requirement. Internal parking lot landscaping required in section 21.45.080 shall not apply to this section.

E. *Paving and drainage.*

1. All driveways, interior aisles, and walkways shall be paved to municipal standards or covered with recycled asphalt, asphalt or graveled with D-1.
2. Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjoining lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. If plans indicate that surface drainage will be carried off, the site plan shall be subject to the approval of the office of planning, development, and public works. If applicable, drainage shall comply with section 21.67.010.

F. *Curb cuts.* Access shall be as approved by the traffic engineer. 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.

G. *Permitted accessory uses.* The facility may provide two on-site dwelling unit for use by an on-site caretaker, manager, or owner of the site.

H. *Lighting.* Exterior lighting shall be so arranged and shielded so as to prevent sky glow, glare on adjacent properties or rights-of-way.

I. *Storage of hazardous substances.* The storage of explosives, radioactive materials or any other hazardous chemicals, explosives or flammable materials, as defined by municipal code, is prohibited.

J. Except for work performed ancillary to the operation of the self storage facility, the following uses are prohibited from occurring within a self-storage or vehicle storage rental unit or space:

1. The servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment with the exception of battery, tire removal and replacement. These must be conducted in accordance with all federal, state and local laws. All hazardous materials must be disposed of properly by the owner of the vehicle.
2. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; and/or
3. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

K. *Fencing and landscaping.*

1. Where a self storage or vehicle storage facility abuts a commercially zoned district, eight feet of landscaping, in accordance with the standards contained in subsection 21.45.125C.1 (visual enhancement landscaping), shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, 15 feet of landscaping shall be required, but only arterial landscaping with an eight-foot planting bed shall be required where abutting a street designated as a Class I or greater street on the OS&HP. No landscaping shall be required where a lot line abuts an industrially zoned district, or on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line, unless otherwise required by this title.
2. Except as otherwise required by law, all site obscuring fence structures shall be at

least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line. The design of the sight-obscuring fencing structure shall be approved by the Planning Department.

3. The sight-obscuring fencing structure shall be architecturally compatible with the surrounding properties. All portions of the fence structure visible to the public, adjacent to a protected creek under section 21.45.210, or plainly visible to adjacent residential neighbors, shall be of a sight-obscuring nature, be compatible with the surrounding property, and be constructed of concrete, solid wood or chain link with a neutral color fabric screening or vinyl covering. The fencing structure shall be maintained in a safe, sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence with posted and maintained prominent warning signs for the fencing, or with a maximum of at least one foot of the wire material exposed and visible outside the fence.
4. All required landscaping shall be installed and maintained by the property owner or his/her designee.
5. *Financial guarantees.* The Planning Department may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.87.030.

L. *Containerized storage.* In conjunction with vehicle storage yards in the B-3 and B-4 districts, containerized storage shall be permitted only by conditional use approval under section 21.50.450, but containerized storage shall be a permitted use in self storage facilities in these zones.

M. *Vehicle storage yards.* The yard may not be used to display or advertise vehicles for sale. No salvaging, dismantling or disassembly of vehicles is permitted in a vehicle storage yard.

(AO. No. 2004-108(S), § 7, 10-26-04)

**Editor's note**—This section was formerly codified in the 1977 Code as the second and third sentences of subsection 21.35.020.B.82.

**Cross reference**—Business licenses and regulations, tit. 10.

### 21.45.300 Child care homes.

A. *Intent.* Child care homes are intended to be minor commercial activities and are allowed pursuant to chapter 21.40. A child care home shall not detract from the principal allowed use in the district and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

B. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

C. Yard requirements for licensed child care homes will be determined by AMC section 16.55.450. Exempt child care facilities, as per chapter 16.55, are not required to meet the yard requirements.

(AO No. 2005-185(S), § 33, 2-28-06)

### 21.45.310 Child care centers.

A. *Intent.* The standards in this section shall apply to child care centers.

#### B. *Site plan review.*

1. All child care centers within a residential district as set forth in section 21.45.010 shall be subject to a site plan review as set forth in this section, except in the R-1, R-1A, R-2A and R-2D districts where a conditional use permit is required. Child care centers in non-residential zoning districts shall comply with the requirements of this section exclusive of the site plan review requirement.

- a. *Contents.* A site plan shall be prepared and approved by the director of the planning department or the director's designee demonstrating the center does not have a permanent or

negative impact on those items listed in this subsection substantially greater than anticipated from permitted residential development:

- i. Pedestrian and vehicular traffic circulation and safety.
  - ii. Demand for an availability of public services and facilities.
  - iii. Noise pollution, air pollution, water pollution and other forms of environmental pollution.
  - iv. Furtherance of the goals and policies of the comprehensive development plan and conformance to the plan in the manner required by chapter 21.05.
  - v. Other factors deemed relevant to the applicant or the director in review of the application.
- b. *Procedure for approval.* At least 30 days before acting on a child care center site plan application under this section, the director of the planning department shall publish notice of the application. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the center site and to owners of property within 500 feet of the proposed site. The director of community planning and development shall take action on the site plan within 40 days of the site plan application submission date.
- c. *Appeals.* A decision of the director of the planning department or the director's designee under the authority set forth in this subsection B is final unless appealed within 15 days to the planning and zoning commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned

land within 500 feet of the outer boundary of the child care center. In the event of appeal, the planning and zoning commission shall, in accordance with section 21.15.005, hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the planning and zoning commission may be brought in accordance with section 21.30.010B.

C. *Traffic access.* The site shall provide for direct access from a street constructed to Municipal standards.

D. *Maximum lot coverage.* The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established. However, regardless of the maximum underlying lot coverage, a minimum of 15 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area or useable yard, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the Planning Director determines that retention of less than 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

E. *Maximum height of structures.* The maximum height of structures shall be the same as permitted in the district in which the site is located.

F. *Yard requirements.* The minimum yard requirements shall be those permitted in the district in which the site is located or as otherwise authorized by the planning and zoning commission so long as a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping as described in section 21.45.125, or as prescribed in section 21.45.200. If the method described in section 21.45.200 is applied, the play yard surfacing for a child care facility, as prescribed by Department of Health and Human Services, may be located within this area.

G. *Illumination.* Illumination shall be provided in the manner prescribed in section 21.45.080X.4.e. Fixtures and lighting levels shall



avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than 15 feet shall incorporate full cut-off fixtures as defined by the Illumination Engineering Society of North America (IESNA), with flat lens fixtures. Exterior building lighting shall be designed and located to direct the light toward the ground.

H. *Landscaping.* Landscaping shall be provided as follows:

1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, play yards required for child care, or other authorized installations shall be planted with visual enhancement landscaping, as described in section 21.45.125;
2. Buffer landscaping, as described in section 21.45.125C.2., shall be planted along the length of each lot line which abuts a lot within a residential district. If the child care center is on a site where it is not a primary use, the planning director may determine that an alternative landscape or fencing plan allows for sufficient buffering of adjacent uses, or that landscaping is unnecessary because the lot size is sufficiently large in relation to the use and that it will not create a high impact at the lot perimeter abutting the residential district; and
3. The property owner shall maintain all landscaping in good condition.

I. *Screening or buffering.* The planning and zoning commission may require:

1. Transition and buffering (15-foot width) or buffering landscaping as described in section 21.45.200E. and 21.45.125C.3. along the length of a lot line.
2. A bond for the installation of landscaping at the time of implementation of the department or Commission approval. This landscape bond, payable to the Municipality of Anchorage, shall be in the amount of a 120 percent itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for installation. Further, the bond

shall remain in effect for a two-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

J. *Loading areas.* If loading area(s) are required, loading and unloading areas shall be provided on the site in accordance with section 21.45.090. Delivery areas shall be screened from adjacent residential areas by buffer landscaping, or a fence no less than six feet high, except where landscaping or height is limited by section 21.45.020 or section 21.45.110.

K. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.

L. *Parking.* Parking shall be provided on the lot in accordance with the requirements of section 21.45.080.

M. *Snow management.* Snow storage space adjacent to surface parking lots and pathways must be identified on the site plan. To facilitate snow removal, in residential districts snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Storage of snow is not allowed in front setbacks for sites where child care is being provided in structures other than a single-family dwelling or duplex structures. Storage of snow may be allowed in 50 percent of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, it shall be to an approved snow storage site, and temporary snow storage areas shall be shown on the site plan.

N. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

O. The use shall meet the requirements of title 23 for construction and life safety issues, where applicable.

(AO No. 2005-185(S), § 33, 2-28-06; AO No. 2009-134, § 1, 1-12-10; AO 2010-45, § 1, 6-8-10)

**21.45.350 Large domestic animal facilities.**

A. Purpose. A large domestic animal facility is intended to be an accessory activity in certain residential districts where this use is allowed. All uses of the property shall be subordinate to the principal use of the residential dwelling. A large domestic animal facility in the PLI district may be considered an accessory use to an equestrian arena.

B. Large domestic animal facilities include without limitation structures such as barns, stables, arenas, corrals, paddocks, and exercise tracks, and any structures used for the storage of feed, tack, tools, animal waste, or equipment. Large domestic animal facilities include structures that are freestanding or attached to residential structures. A large domestic animal facility is allowed to be larger than the principal structure but is limited by lot coverage and height restrictions applicable for each zoning district.

C. The minimum lot size for a large animal facility is 40,000 square feet for four animals, with an additional 10,000 square feet required for each animal above four. Application for administrative approval of deviation in minimum lot size of 40,000 square feet may be made to the Planning Department. The Director of the Planning Department may approve deviation of site area square footage, not to exceed ten percent, upon consultation with the Department of Health and Human Services and Department of Developmental Services.

D. In the event arena seating is provided, the required parking shall be one space per every four seats, or one parking space per stall, whichever is greater.

E. A large domestic animal facility shall meet setback requirements of the applicable zoning district and section 21.45.140A. for roofed or otherwise covered portions of paddocks, barns, stables, or similar structures which are utilized for the keeping of animals, except in the case of interior abutting lot lines per section 21.45.350H. In no circumstances shall barbed wire be allowed for fencing of any facilities.

F. The uses shall meet the requirements of chapter 15.20 regarding animal waste; chapter 15.50 concerning Watershed District regulations; section 15.55.060B concerning separation requirements from water supply wells; and section 21.45.210 concerning stream protection setbacks.

G. The large domestic animal facility shall:

1. Obtain an animal control facility license; and
2. Obtain certification of compliance with a State of Alaska, Anchorage Soil and Water Conservation District conservation plan, or obtain a letter from the State of Alaska, Anchorage Soil and Water District showing demonstrated intent to come into compliance with a conservation plan within one year.
3. Comply with licensing and other laws concerning the keeping of animals as set forth in Titles 15, 17 and 21.

H. Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the Director of the Planning Department or the Director's designee. In such cases, yard setback requirements shall not apply to the common interior lot lines and a primary use need not be located on the adjacent lot.

(AO No. 2005-150(S-1), § 11, 2-28-06)

**21.45.360 Accessory buildings in conjunction with large domestic animal facilities.**

The following additional requirements for accessory buildings in conjunction with large domestic animal facilities shall apply:

- A. In the R-5A, R-6, R-7, R-8, R-9, R-10, and R-11 districts, the square footage of any one single large domestic animal facility structure shall not exceed ten percent of the lot size, up to a maximum of 8,000 square feet.
- B. Large domestic animal facility structures exceeding these size requirements are sub-

ject to conditional use approval under section 21.15.030 and subject to the standards of section 21.50.020.

(AO No. 2005-150(S-1), § 13, 2-28-06)

**21.45.370 Adult care facilities with one through eight persons.**

A. *Intent.* Adult care facilities with occupancy of eight persons or less are intended to be minor commercial activities and are allowed pursuant to chapter 21.40. An adult care facility shall not detract from the principal allowed use in the district and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

B. *Location.* Adult care facilities shall be located only in a single-family dwelling, excluding detached condominium units and duplex or multi-family structures, when located in any R-1 through R-O, B-1A, or B-1B zoning district. These uses shall be prohibited if the only direct street access is from a private street.

C. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

(AO No. 2005-124(S-1A), § 31, 4-18-06)

**21.45.380 Hospitals and nursing facilities, large residential care facilities, adult care facilities with nine or more persons.**

A. *Intent.* The standards in this section shall apply to health care facilities and related institutions, large residential care facilities, and adult care facilities where the facility serves, or is designed or proposed to serve, nine or more persons.

B. *Traffic access.* The site shall provide for direct access from a street constructed to urban standards.

C. *Minimum lot size.*

1. *Minimum lot size for a hospital or psychiatric institution.* Unless otherwise authorized by the planning and zoning commis-

sion, the minimum lot size for a hospital or psychiatric institution shall be as follows:

- a. *Six to ten beds:* One-half acre (21,780 square feet).
  - b. *11 to 20 beds:* One acre (43,560 square feet).
  - c. *For each additional ten beds or fraction thereof:* One-half acre.
2. *Minimum lot size for nursing home, convalescent center, rest home, rehabilitation center or sanitarium.* Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a nursing home, convalescent center, rest home, rehabilitation center or sanitarium shall be as follows:
    - a. *Six to ten beds:* 15,000 square feet.
    - b. *11 or more beds:* 20,000 square feet.
  3. *Minimum lot size for adult care facility or large residential care facility:*
    - a. *17 or more persons in care at any give time:* 20,000 square feet.

D. *Maximum lot coverage.* The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established. However, regardless of the maximum underlying lot coverage, a minimum of 15 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area or useable yard, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the Planning Director determines that retention of less than 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

E. *Maximum height of structures.* The maximum height of structures shall be the same as permitted in the district in which the site is located.

F. *Yard requirements.* The minimum yard requirements shall be those permitted in the district in which the site is located or as otherwise authorized by the planning and zoning commission so long as a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two,

planted with buffer landscaping as described in section 21.45.125, or as prescribed in section 21.45.200.

G. *Illumination.* Illumination shall be provided in the manner prescribed in section 21.45.080W.4.e. Fixtures and lighting levels shall avoid trespass light, skyglow, or glare. Lighting fixtures with a mounting height greater than 15 feet shall incorporate full cut-off fixtures as defined by the Illumination Engineering Society of North America (IESNA), with flat lens fixtures. Exterior building lighting shall be designed and located to direct the light toward the ground.

H. *Landscaping.* Landscaping shall be provided as follows:

1. All areas not occupied by buildings, structures, storage yards, drives, walks, off-street parking installations, or other authorized installations shall be planted with visual enhancement landscaping, as described in section 21.45.125;
2. Buffer landscaping, as described in section 21.45.125C.2., shall be planted along the length of each lot line which abuts a lot within a residential district;
3. Arterial landscaping, as described in section 21.45.125C.4., shall be planted along the length of each lot line which abuts a collector or arterial street, as designated in the official streets and highways plan; and
4. The property owner shall maintain all landscaping in good condition.

I. *Screening or buffering.* The planning and zoning commission may require:

1. Screening or buffering landscaping as described in section 21.45.125C.2. or C.3. along the length of a lot line.
2. A bond for the installation of landscaping at the time of implementation of the Commission approval. This landscape bond, payable to the Municipality of Anchorage, shall be in the amount of a 120 percent itemized cost estimate prepared by a professional landscape architect of the planting material, topsoil, plus labor for instal-

lation. Further, the bond shall remain in effect for a two-year growing period to assure survivability of all trees and shrubs and replacement of dead or stunted landscape materials.

J. *Loading areas.* Loading and unloading areas shall be provided on the site in accordance with section 21.45.090. Ambulance and delivery areas shall be screened from adjacent residential areas by a buffer landscaping, or a fence no less than six feet high.

K. *Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.

L. *Refuse collection.* Refuse containers and facilities shall be provided within the primary structure or within a freestanding enclosure on the site. Refuse containers and facilities located outside the primary structure must be enclosed by a fence on three sides in the manner provided by section 21.45.080W.4. Enclosures shall be durably constructed and use architectural design and screening materials to be consistent with the primary structure(s) on the property. The placement of refuse storage areas in the front yard setback is prohibited.

M. *Parking.* Parking shall be provided on the lot in accordance with the requirements of section 21.45.080.

N. *Snow management.* Snow storage space adjacent to surface parking lots and pathways must be identified on the site plan. To facilitate snow removal, in residential districts snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Storage of snow is not allowed in front setbacks for sites where adult care is being provided in structures other than a single-family dwelling or duplex structures. Storage of snow may be allowed in 50 percent of the side and rear setbacks,

if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, it shall be to an approved snow storage site, and temporary snow storage areas shall be shown on the site plan.

O. *Pedestrian circulation.* Paved walkways for residents must be provided from parking areas, and from abutting public street and trail frontages, to individual units or to common building entries.

P. This section shall not apply to any use continuing as a lawful conditional use at the time of adoption of this section.

Q. The use shall meet the requirements of title 23 for construction and life safety issues. (AO No. 2005-124(S-1A), § 31, 4-18-06)

#### **21.45.390 Small residential care facilities.**

A. The use shall meet the requirements of title 23 for construction and life safety issues. (AO No. 2005-124(S-1A), § 31, 4-18-06)

#### **21.45.400 Towers, high voltage transmission.**

A. *Purpose.* Electric energy is required to power electrical machines, devices and lighting in our society. Electrical energy most often must be transported in high voltages from remote generation plant locations to urban centers. The structures required to support high voltage electrical energy conductors are larger than usual distribution poles. The standards set forth in this section are intended to minimize the impact of transmission towers on neighborhoods and commercial developments to the greatest extent reasonable. It is understood utilities must construct facilities in compliance with the National Electrical Safety Code.

B. *Location.* The location of new transmission towers shall be in compliance with, and within existing or proposed transmission alignments or corridors identified in the latest version of the utility corridor plan. Deviations from the utility corridor plan shall require amendment to the plan before installation of any tower.

C. *Easement or right-of-way clearing.* Clearing and/or grubbing of vegetation within the easement or right-of-way for transmission tower installation shall be limited to minimum amount to allow for the safe installation of each transmission tower.

D. *Landscaping.* All areas cleared in conjunction with the installation of a tower, except for the area within ten feet of the tower, shall be replanted with vegetation as follows:

1. Cleared areas originally planted by a public or private agency as part of an approved building permit, land use permit, or public facility project landscaping plan, shall be replaced in accordance with the plan, except as modified by the tower location(s). Other landscaped areas that have been cleared shall be replaced with landscaping equivalent to that which was removed. Approval of the revised landscape plan shall be by the planning department, except in cases where the planning and zoning commission is the approving authority.
2. Cleared areas not previously landscaped shall be landscaped in accordance with the buffer landscaping standards. The planning department may approve alternative landscaping to meet the intent and intensity of buffer landscaping, except in cases where the planning and zoning commission is the approving authority.

E. *Exemptions from landscaping.* Exemptions for the landscaping requirements may be granted by the planning director, if the utility shows there is a safety concern, the property owner does not grant authorization in which landscaping can be placed by the utility, or for other engineering or related issues.

F. *Structure design.* The color of the transmission tower structures shall be as neutral to the immediate surroundings as possible. The planning director shall approve the utility's proposed structure color, except in cases where the planning and zoning commission is the approving authority.

(AO No. 2006-064(S-1), § 4, 12-12-06)

**21.45.410 Small wind energy conversion systems.**

A. *Purpose.* The purpose of this section is to regulate and provide standards for small wind energy conversion systems (WECS) as defined in this Code, and to encourage the development of small wind energy systems.

B. *Approval process.* Generally, small WECS are subject to an administrative site plan review. Sufficient information shall be provided with the application to show that the standards below have been met. The planning director shall grant approval if the standards of this section have been met, and that the applicant has sized and sited the system to reduce impacts on surrounding properties to the maximum extent feasible. Structural stability of the foundation will be assured through the building permit process.

C. *Submittal requirements.*

1. A description of the project, including the maximum rated power output capacity of the WECS.
2. The make, model, an illustrative photograph or brochure, manufacturer's specifications including noise decibels data for the proposed WECS, the support structure, and method of attachment to the ground and/or structure.
3. Elevation drawing of the WECS showing total height, turbine dimensions, tower and turbine colors, distance between ground and lowest point of any blade, and if proposed, the location of ladders, climbing pegs, and access doors.
4. If the WECS is not certified as meeting the IEEE 1547 standard (Institute of Electrical and Electronic Engineers), then an assessment of potential electromagnetic interference and microwave, radio, television, personal communication systems and other wireless communication is required.
5. Applications shall include a visual impact analysis of the proposed WECS as installed, which shall include color photographs of the proposed site from at least two locations accurately depicting the ex-

isting conditions. A computerized photographic simulation, demonstrating any visual impacts from strategic vantage points, is desirable and may be required at the director's discretion. The applicant shall indicate any visual screening proposed to be incorporated into the project that is intended to lessen the system's visual prominence.

D. *Approval criteria.* In addition to meeting the standards of this section, small WECS shall meet the following approval criteria:

1. The applicant shall obtain written consent from the simple majority of property owners of all abutting residentially-zoned properties. If no response is received within 60 days, the applicant may assume tacit consent. Such written consent shall be submitted with the small WECS application.
2. The applicant shall demonstrate in their application materials that the small WECS' visual impacts are minimized or mitigated for surrounding neighbors and the community. This may include, but is not limited to, information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted equipment.

E. *Building-mounted WECS.*

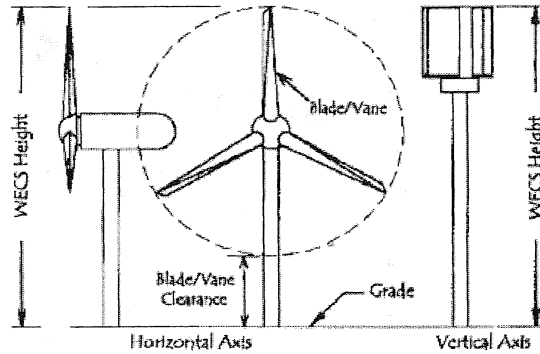
1. Small WECS in residential zoning districts shall have a rated power capacity of not more than 10 kW. Small WECS in nonresidential zoning districts shall have a rated power capacity of not more than 25 kW.
2. In residential districts on lots less than 20,000 square feet, a building-mounted WECS shall not exceed the maximum height for principal structures of the underlying zoning district by more than ten feet.
3. On buildings of 60 feet or less in height, building-mounted WECS shall be no taller than ten feet.

4. On buildings over 60 feet in height, building-mounted WECS shall be set back from the structure edge by at least two feet for every one foot of height greater than ten feet.
5. Building-mounted WECS shall meet the design standards for free-standing WECS in subsection F.6. below, with the exception of F.6.e.
6. Building-mounted WECS shall be located at least 1.1 times the height of the system (rooftop to top of WECS) from all overhead power and telecommunication lines, and any telecommunication towers.

F. *Free-standing WECS.*

1. *Number of WECS.* Only one small WECS per lot is allowed in residential zoning districts. Adjoining lots under the same ownership shall be treated as one lot for purposes of this limitation.
2. *Power capacity.* Small WECS in residential zoning districts shall have a rated power capacity of not more than ten kW. Small WECS in nonresidential zoning districts shall have a rated power capacity of not more than 25 kW.
3. *Maximum height.*
  - a. The height of a small WECS shall be determined by compliance with the setback provisions of subsection E.5. below. In no instance shall a small WECS exceed 95 feet in height.
  - b. Height shall be measured as depicted in the illustration. Structures shall not interfere with Federal Aviation Administration Regulations on airport approaches. In no case shall the height exceed manufacturer's specifications.

Measuring Height for Free-Standing WECS



4. *Blade or vane clearance.* Lowest point of moving elements, such as blades or vanes, shall be at least 25 feet above grade. No blades may extend over public sidewalks/trails.
5. *Setbacks.*
  - a. WECS shall be set back at least 1.5 times the height of the system from property lines abutting residentially-zoned lots.
  - b. WECS shall be set back at least 1.1 times the height of the system from property lines abutting rights-of-way and nonresidentially-zoned lots.
  - c. WECS shall be set back at least 25 feet from a water body edge provided that the full extent of the applicable setback distance of subsection 5.a. or 5.b. above falls within the water body or the applicant's property.
  - d. All systems shall be set back at least 1.1 times the height of the system from all overhead power and telecommunication lines, and any telecommunication towers.
6. *Design standards.*
  - a. Operational noise shall not exceed 50 dBH at property line except for short-term high wind speed events such as storms.
  - b. All systems shall be equipped with manual and automatic (mechanical



- or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.
- c. The rotating turbine shall not produce vibrations that are humanly perceptible beyond the property lines of the site.
  - d. Lattice type towers and towers using guy wires are prohibited.
  - e. All power transmission and telemetry lines from the tower to any building or other structure shall be placed underground.
  - f. No tower shall be illuminated unless required by a state or federal agency, such as the FAA.
  - g. All structures in a project shall be finished in a single, non-reflective, matte finished, neutral color.
  - h. No commercial or noncommercial advertisements, signs, or other messages shall be placed or painted on the tower, rotor, generator or tail vane, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

G. *Abandoned or unsafe wind energy conversion systems.* Any system that is not operated for a continuous period of 12 months shall be considered abandoned and shall be dismantled and removed from the property at the expense of the property owner.

(AO No. 2010-50(S), § 27, 8-31-10)

## Chapter 21.47

### **SIGN STANDARDS\***

21.47.010	Purpose statement.
21.47.020	Application of this chapter.
21.47.025	Relationship of this chapter to state law.
21.47.030	Computations, rules of measurement, and definitions.
21.47.040	Signs in residential districts (R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11 <sup>(a)</sup> , D-2 AND D-3).
21.47.050	Signs in the Public Lands and Institutions (PLI) District, the Residential Office (R-O) District, and the Watershed (W) District.
21.47.060	Signs in the nonresidential districts (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, I-3, MC, MI, R-11 <sup>(a)</sup> AND T).
21.47.070	Prohibited signs.
21.47.080	Supplemental sign standards.
21.47.090	Regulations for nonconforming signs.
21.47.100	Administrative provisions.
21.47.105	Procedure for obtaining an administrative variance for signs.
21.47.110	Variances and appeals.

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**\*Editor's note**—Any provisions in Title 21 of the Anchorage Municipal Code, ordinances or resolutions of the Municipal Assembly, resolutions of Municipal boards or commissions, or entitlements issued pursuant to this Title that refer to Section 21.45.160 shall hereby be considered as referring to the applicable Sections and/or provisions of Chapter 21.47.

**21.47.010 Purpose statement.**

The purpose of this chapter is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance, and operation of signs in the Municipality of Anchorage, which are subject to the provisions of this chapter. It is the further purpose to provide for the removal of those signs that do not comply with these regulations. More specifically, this chapter is intended to:

- A. Enhance and protect the physical appearance of the municipality.
- B. To protect property values.
- C. Promote and maintain visually attractive, high value residential, retail, commercial and industrial districts.
- D. Promote the economic well being of the community by creating a favorable physical image.
- E. Ensure that signs are located and designed to:
  1. Provide an effective means of way-finding in the community.
  2. Afford the community an equal and fair way to advertise and promote its products and services.
  3. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
  4. Minimize the disruption of the scenic views which when maintained protect important community values.
  5. Respect the unique climatic conditions such as the amount of snow fall and the effect of sustained snow piles, the amount of daylight and the acute shadows regularly occurring on the landscape.

6. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication.

F. Provide review procedures that assure that signs are consistent with the municipality's objectives and within the municipality's capacity to efficiently administer the regulations.

G. Prohibit all signs not expressly permitted by this chapter.

(AO No. 2003-62(S-1), § 1, 10-1-03)

**21.47.020 Application of this chapter.**

A. The regulations contained in this chapter shall apply to signs outside of the public right-of-way and on the property to which the standard or regulation refers, except when specifically stated otherwise. A sign may only be erected, established, painted, created or maintained in conformance with the standards, criteria, procedures, and other applicable requirements of this chapter.

B. Unless otherwise stated in this chapter, all determinations, findings, and interpretations shall be made by the administrative official or other appropriate municipal officials called upon or designated by the administrative official.

C. The following signs and displays are exempted from this chapter:

1. Any sign displaying a public notice or warning required by a valid and applicable federal, state, or local law, ordinance, or regulation;
2. Flags of any nation, government or non-commercial organization;
3. Any sign inside a building that is not attached to the window or door and is not legible from a distance of more than three feet beyond the lot on which the sign is located;
4. Any work of art that does not display a commercial message;
5. Any religious symbol that does not display a commercial message;
6. Any traffic control sign, such as "STOP" or "YIELD," located on private property

that meets applicable governmental standards pertaining to such signs and does not display a commercial message.

7. Signs erected by state or local government agencies, or their contractors, to facilitate the construction, maintenance, or operation of transportation facilities.
8. Product dispensers and trash receptacles;
9. Holiday and community special event decorations that do not display a commercial message;
10. Mascots for educational institutions with primarily academic curricula;
11. Signs on athletic fields and scoreboards intended for on-premises viewing;
12. Construction signs of up to 32 square feet;
13. Temporary signs of six square feet or less in area.

14. [*Reserved.*]  
(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 1, 6-14-05)

#### **21.47.025 Relationship of this chapter to state law.**

No provision of this chapter shall be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main-traveled way of an interstate, primary or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska Statutes Secs. 19.25.075 — 19.25.180.  
(AO No. 2003-62(S-1), § 1, 10-1-03)

#### **21.47.030 Computations, rules of measurement, and definitions.**

The following regulations shall control the computation and measurement of sign area, sign height, building frontage and public street frontage:

##### *A. Determining sign area or dimension of signs.*

1. The sign area shall include the face of all the display area(s) of the sign. The sign area shall include the frame and structural support unless such structural support is determined to be an architectural feature as defined in subsection 21.47.030E or the structural support is located below the sign face area and its accompanying frame, does not contain a message, and is clearly distinguishable from the sign face area. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations.
2. For a sign that is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area of the sign shall be the area of not more than three geometric shapes that encompasses the entire area of the sign including the background or frame.
3. For a sign comprised of individual letters, figures or elements on a wall or similar surface of a building or structure, or an irregular shaped freestanding sign, the area of the sign shall be the area of not more than three regular geometric shapes that encompasses the perimeter of all the elements in the display.
  - a. When separate elements are organized to form a single sign, but the elements are separated by open space, the area of the

sign shall include all the display areas, including the space between the elements.

- b. Up to five percent of the permitted sign area may be considered minor protrusions, and extend outside of the maximum limitation of three geometric shapes and are, therefore, exempted from being included as part of the sign area.
4. For freestanding and projecting signs the sign area shall be computed by the measurement of one of the faces when two display faces are joined, are parallel, or are within 30 degrees of being parallel to each other and are part of the same sign structure. For any sign that has two display surfaces that do not comply with the above regulation, or has more than two display surfaces then each surface shall be included when determining the area of the sign.
- In determining the area of freestanding signs the following shall be exempted from being considered as part of the maximum permitted area:
- a. One-half square foot of sign area shall be exempted for each digit

of the street number, up to a maximum of three square feet.

- b. The portion of a solid sign base or other sign support, up to a maximum height of four feet that is at least 50 percent screened by landscaping.
- c. The air space under a freestanding sign between supporting posts, other air space between a projecting sign and the wall to which it is attached (See Figure 1).

All other exemptions to the area of a sign may only be approved by the urban design commission.

5. Except as provided in schedule 21.47.040 for non-residential uses located within residential zoning districts, the height of a freestanding sign shall be measured from the elevation of the edge of the public right-of-way immediately adjacent to, or nearest the sign structure, to the highest point of the sign, or decorative features.

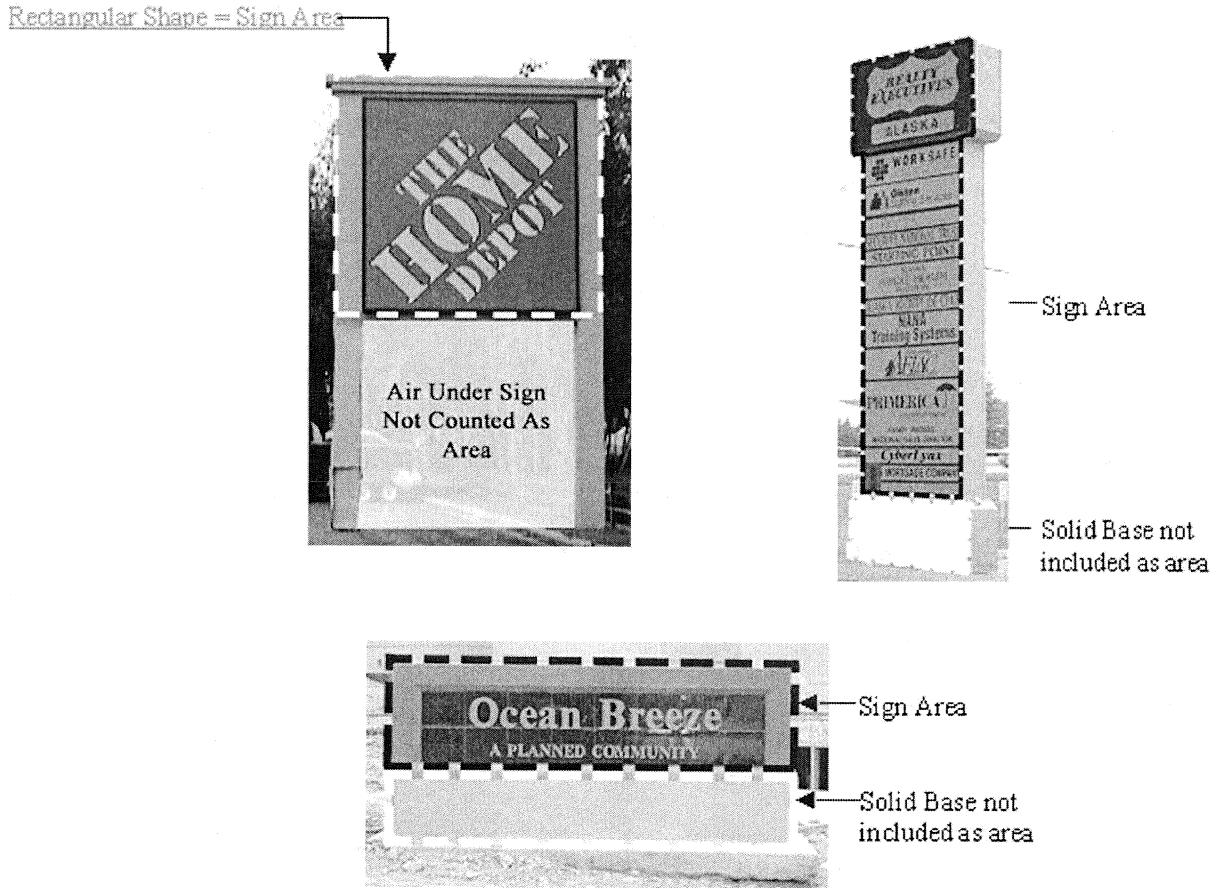


Figure 1. Calculation of freestanding sign area

- B. *Determining building frontage and building unit.* For the purposes of this chapter and for determining allowable wall sign area, the building frontage shall include the building walls that: face a public street, face a parking lot which serves the use, or that contains a public entrance to the

uses therein. For the purposes of these regulations, a public alley is not considered a public street.

1. The building frontage shall be measured along such building wall between the exterior faces of the exterior sidewalls.
2. In the case of an irregular wall surface, a single straight line approximating such wall surface shall be used to measure the wall's length.
3. For multi-occupant buildings, the portion of a building that is owned or

leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

- 4. The primary frontage shall be the portion of a frontage that serves as the main access point to a building or building unit. (See Figure 2)
  - 5. The secondary frontage shall be all other frontages. (See Figure 2)
- C. *Determining public street frontage.* For the purposes of this chapter and for determining allowable freestanding sign area,

public street frontage is the length of the public street, which is contiguous to the adjacent private parcel for which the sign is being considered. For the purposes of these regulations a public alley is not considered a public street. For the purposes of this chapter, standards, which are based on a minimum length of the public street frontage, shall also apply to "any portion thereof" unless the specific section states otherwise.

- D. *Determining sign setbacks.* The required setbacks for the sign shall apply to all elements of the sign including its frame and base.

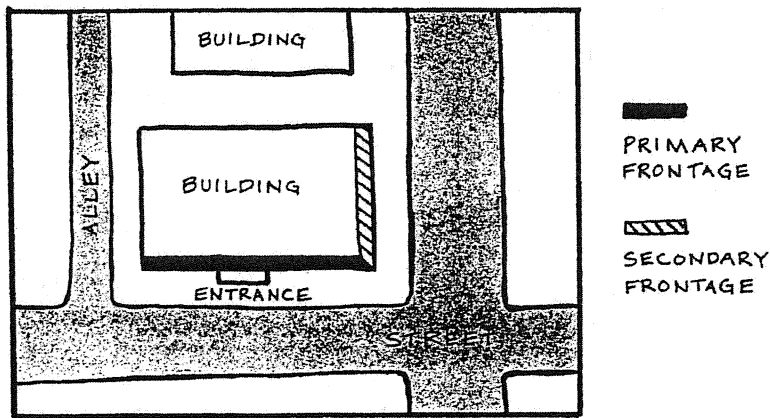


Figure 2: Primary and Secondary Frontage

Figure 2: Primary and Secondary Frontage

- E. *Definitions.* The following shall serve as definitions as they are referred to within this Chapter.
  - 1. *Architectural feature* means any construction attendant to, but not an integral part of the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting tech-

niques are applied to a building provided such treatment does not include lettering, logos or pictures.

- 2. *Billboard and off-premise sign* means a sign structure advertising an establishment, merchandise, event, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located. Any other outdoor advertising prohibited by the provi-

- sions of Alaska Statutes Secs. 19.25.075—19.25.180 shall also be considered billboards.
3. *Building wall* means any vertical surface of a building or structure (other than a pitched roof) that is integral to and could reasonably be constructed as part of the architecture of the building when a sign(s) are not being contemplated. Examples of building walls include but are not limited to: awnings, canopies, marquees, the vertical portion of gable roofs, parapets, mechanical penthouses, etc.
  4. *Flag* means any fabric or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporate or commercial entity, or institution. A corporate or commercial, or institutional flag may only display the name, trademark, or logo of the business or institution on the parcel and such flag may not be used for other business or advertising purposes.
  5. *Parcel* means the area of land necessary for a use to be in compliance with the Land use Planning and Zoning Ordinances of the Municipality of Anchorage. The terms "lot" or "tract" may also be referring to a parcel.
  6. *Sign* means any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, pictures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement; any exception shall be specifically set out in this chapter.
  7. *Sign, banner* means a sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.
  8. *Sign, building* means any sign attached to any part of a building including wall, awning, canopy, and projecting signs, and excluding window signs. A wall sign is a building sign that is parallel to and does not extend from the wall more than 12 inches.
  9. *Sign, changeable copy* means a portion of a sign with letters, characters, or graphics that are not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified from time to time manually or by electronic or mechanical devices, such as a bulletin board or electronic message board, and includes scrolling copy. Changeable copy signs may not be used to display commercial messages relating to products or services that are not offered on the property.
  10. *Sign, construction* means a temporary sign identifying a project or facility during the time of construction. Such signs typically include the name of an architect, engineer and/or contractor for a building or project located on the parcel.
  11. *Sign, ideological or political* means any temporary sign displaying or advocating an idea, opinion or position on any social, cultural, religious or political issue and containing no commercial message.
  12. *Sign, entrance or exit* means a sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.



13. *Sign, freestanding* means a sign supported from the ground and not attached to any building. A freestanding sign is a sign supported by one or more poles or a solid base. Pole signs and monument style signs are considered freestanding signs.
14. *Sign, inflatable* means any inflatable shape or figure designed or used to attract attention to a business event or location. Inflatable promotional devices shall be considered to be temporary signs under the terms of this chapter and, where applicable, subject to the regulations thereof.
15. *Sign, instructional* means a sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
16. *Sign plate* means a building sign not exceeding two square feet indicating the street number, the name of the person, business, profession or activity occupying the lot, building, or part thereof; or other information pertaining to the use on the lot.
17. *Sign, portable* means any sign designed to be transported on wheels, skids, a bench, runners, brackets, or has a frame to which wheels, skids, runners, brackets, or similar mechanical devices can be attached to or support the sign. A portable sign also includes inflatable devices and mobile signs such as parked trailers or vehicles, which include signs which are visible from the public right-of-way unless such vehicle is used in the normal day-to-day operations of the business.
18. *Sign, projecting* means a sign that is attached to a building wall and extending perpendicular to (or approximately perpendicular to) the building wall and 12 inches or more beyond the face of the wall.
19. *Sign, roof* means a sign, or any portion thereof, erected, constructed, painted, or placed on the roof and includes any sign extending higher than the roof or parapet wall of any building if the principal support for the sign is on the roof, wall or any other structural element of the building.
20. *Sign, rotating* means a sign that meets all dimensional standards and which may revolve on a vertical axis no more than four times per minute.
21. *Sign, temporary* means a sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure or permanently installed in the ground. These include, but are not limited to, political signs, special event signs, and for sale or leasing signs. Temporary signs may be displayed as window signs.
22. *Sign, window* means a sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three feet beyond the building in which such sign is located. Window signs are permitted in nonresidential districts as set out in 21.47.060 H, without distinction as to method of attachment.

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 2, 6-14-05; AO No. 2005-163(S-2), § 1, 5-16-06)

**21.47.040 Signs in residential districts (R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11<sup>(a)</sup>, D-2 AND D-3).**

<sup>(a)</sup>The standards in this chapter only apply to residential parcels in the R-11 District.

Signs for all residential and nonresidential uses in residential districts shall comply with the standards set forth in this section.

- A. *Basic regulations for Signs in the Residential Districts (R-1, R-1A, R-2A, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11<sup>(a)</sup>, D-2 and D-3).* Signs for all residential and nonresidential uses in residential districts shall be limited in number, area, height and setback based on the type of use, as set forth in Schedule 21.47.040.
- B. *Supplemental standards for all changeable copy signs.*
1. Signs for permitted non-residential uses may have up to 100 percent of the sign area devoted to changeable copy, except as provided in subsection 3.
  2. Electronic changeable copy is prohibited for all building signs and is prohibited for freestanding signs except as provided in subsection 3.
  3. Electronic changeable copy is permitted for freestanding and building signs on parcels that are nine acres or greater with a minimum of 500 feet of frontage on a street of Class II or greater classification in the official streets and highways plan. Electronic changeable copy shall not change more than one time per 20-second period. Electronic changeable freestanding signs are permitted up to a maximum of 80 percent of the actual sign area. One electronic changeable copy building sign per 300 linear feet of frontage is permitted up to a maximum size of 20 square feet per sign.

4. *Multi-occupant facilities.* When a freestanding sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.

- C. *Instructional signs.* Instructional signs that are clearly intended for instructional purposes shall be permitted as needed on a lot in a residential district when the lot is devoted to a multi-family or nonresidential use provided such signs comply with the following:

1. The signs are not larger than necessary to serve the intended instructional purpose, but in any event do not exceed six square feet in area;
2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose;
3. The signs are not located or designed to be legible or serve to attract attention beyond the perimeter of the site.

The signs may be placed on the base of a permitted freestanding sign with out the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.

<b>Schedule 21.47.040</b>				
<b>Signs in the Residential Districts (R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11<sup>(b)</sup>, D-2, and D-3)</b>				
<i>Type</i>	<i>Maximum Number Permitted</i>	<i>Maximum Area Per Sign</i>	<i>Standards for Freestanding signs</i>	
			Maximum Height	Min. Setback from ROW
<b>(A) Signs for Each Single-Family Dwelling; Duplex or Townhomes:</b>				
<b>1. Permanent Signs</b>				
a. Building Signplates	1 per dwelling unit	2 sq ft <sup>(c)</sup>	—	—
b. Freestanding Signs	1 per building	2 sq ft <sup>(f)</sup>	5 ft	0
<b>2. Temporary Signs<sup>(a)</sup></b>				
a. Building Signplates	2 per dwelling unit	6 sq. ft.	5 ft	0
<b>3. Signs for Residential Subdivisions</b>				
a. Building Signplates	2 per subdivision entrance	30 sq ft	8 ft	5 ft
<b>(B) Multi-Family Buildings:</b>				
<b>1. Permanent Signs</b>				
a. Building Signplates	1 per public entrance to building	2 sq ft	—	—
b. Freestanding Signs	1 per development entrance or per 500' of public street frontage, whichever is greater	30 sq ft	8 ft	Equal to height of sign
<b>2. Temporary Signs</b>				
a. Freestanding Signs <sup>(a)</sup>		6 sq ft		
<b>(C) Permitted Nonresidential Uses:</b>				
<b>1. Permanent Signs</b>				
a. Building Signplates	1 per address	2 sq ft	—	—
b. Primary Building Signs	Not Applicable	½ sq ft of sign for every lineal ft of primary building frontage	—	—
c. Freestanding Signs	1 per 500 feet of public street frontage	40 sq ft <sup>(d)</sup>	8 ft <sup>(e)</sup>	10 ft
<b>2. Temporary Signs</b>				
a. Freestanding Signs <sup>(a)</sup>	2	6 sq ft		
<b>(D) Instructional Signs</b> Shall be exempt from requirements when in compliance with Subsection 21.47.040C				
<sup>(a)</sup> See also Subsection 21.47.040 D				
<sup>(b)</sup> The standards in this section only apply to residential parcels in the R-11 District.				
<sup>(c)</sup> A sign plate is not in violation of these regulations if a larger sign is determined to be necessary to accommodate identification as mandated by the municipality.				
<sup>(d)</sup> A sign which is located within 40 feet of a property line of a parcel which is either occupied by, or is zoned for, a single family or two-family dwelling unit shall be limited to a maximum area of 30 square feet.				
<sup>(e)</sup> Sign height is measured from the natural grade at the base of the sign.				
<sup>(f)</sup> For parcels larger than one acre located within the R-6, R-7, R-8, R-9, R-10, and R-11 <sup>(b)</sup> residential zoning districts, one freestanding sign no greater than eight square feet shall be permitted.				



Figure 3. Non-residential Uses  
 Illustration: 7 ft height, 27 sq ft area  
 Maximum Permitted: 8 ft height, 40 sq ft area



Figure 4. Subdivision Entrance Sign  
 Illustration: 5 ft height, 24 sq ft area (Approx.)  
 Maximum Permitted: 8 ft height, 30 sq ft area

Figure 3. Non-residential Uses/Figure 4. Subdivision Entrance Sign

D. *Temporary signs.*

1. *For single-family dwellings, two-family dwellings, or townhomes:* Two temporary signs are permitted at any given time on any one parcel. These temporary signs may be displayed for an unspecified amount of time provided these signs do not contain any commercial messages except for the sale or leasing of the property on which the sign is located.
2. *For multiple-family developments and nonresidential uses:* Two (2) temporary freestanding signs that do not exceed six (6) square feet each may be erected for an unspecified time.
3. *Vacant parcels.* The following signs are permitted for an unspecified period of time:
  - a. For a parcel less than one acre, one temporary sign is permitted up to a maximum of 16 square feet.
  - b. For a parcel greater than one acre, one temporary sign is per-

mitted up to 32 square feet. A parcel that also has frontage on a second public street is entitled to a second sign, not to exceed 32 square feet, provided that the length of the frontage along the second public street is a minimum of 300 feet.

Such signs may not be used to display commercial messages referring to products or services that are unrelated to current or pending activities on or uses of the property.

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 3, 6-14-05; AO No. 2005-163(S-2), § 2, 5-16-06)

**21.47.050 Signs in the Public Lands and Institutions (PLI) District, the Residential Office (R-O) District, and the Watershed (W) District.**

Signs in the Public Lands and Institutions (PLI) District, the Residential-Office (R-O) District, and the Watershed (W) District shall conform to the standards set forth in this section.

A. *Basic standards for building signs.*

1. *Maximum area of permanent building signs.* Building signs shall con-

form to the maximum area limitations set forth in Schedule 21.47.050 A.

<i>Schedule 21.47.050 A Building Signs in the PLI, R-O and W Districts</i>		
Sign Type	Maximum Number Permitted	Base Area Permitted on a Single Building Frontage
(A) Signplate	1/address	2 square feet
(B) Building Sign on Primary Frontage <sup>(a)(b)</sup>		1 sq. ft. per lineal ft of primary frontage <sup>(c)</sup>
(C) Building Sign on Secondary Frontage <sup>(a)(b)</sup>		0.6 sq. ft. per lineal ft. of secondary frontage <sup>(c)</sup>
(D) Instructional Sign	Shall be exempt from regulations when in compliance with Section 21.47.050 D	
<sup>(a)</sup> Section 21.47.030 B		
<sup>(b)</sup> The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed one square foot for each lineal foot of frontage. See also the wall sign bonuses which are permitted pursuant to Subsection 21.47.050 B 2.		
<sup>(c)</sup> The maximum building sign area for a building or any portion of the building which is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from any portion of the adjacent street.		

2. *Placement of building signs.*

- a. The building signs permitted in Schedule 21.47.050 A may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with Subsection "b".
- b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:
  - i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.

- ii. Projecting signs shall be placed on the building so the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.



*Figure 5. Building Signs  
Illustration: 1.0 sq ft per lineal ft of frontage  
Maximum Permitted: 1.0 sq ft per lineal ft of frontage*

Figure 5. Building Signs

B. *Basic standards for permanent freestanding signs:*

1. *Maximum number, area and height, minimum setback of permanent freestanding signs.* Permanent freestanding signs shall comply with the maximum number, area and height limitations and minimum setback from the street right-of-way set forth in Schedule 21.47.050 B.
2. *Sign area proportions:* For any freestanding sign, the horizontal portion (width) of the face shall not exceed four times the height of the face.

<i>Schedule 21.47.050 B</i>		
<i>Freestanding Sign Standards in the PLI, R-O, and W Districts</i>		
	<i>PLI</i>	<i>R-O</i>
(A) Maximum Height	15 ft.	15 ft.
(B) Maximum Area	120 sq. ft.	80 sq. ft.
(C) Number/Frontage	1 per 300 ft. frontage up to a maximum of two	
(D) Minimum Separation	200 ft	
(E) Minimum Setback from R.O.W.	None on a Class II or greater street; otherwise 10 ft	
(F) Minimum Setback from Side Lot Line <sup>(b)</sup>	10 ft	
(G) Entrance and Exit Signs <sup>(a)</sup>		
Maximum Area	6 sq ft	
Maximum Height	5 ft	

<i>Schedule 21.47.050 B</i>		
<i>Freestanding Sign Standards in the PLI, R-O, and W Districts</i>		
	<i>PLI</i>	<i>R-O</i>
<p><sup>(a)</sup> Entrance and Exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway.</p> <p><sup>(b)</sup> If the side lot is adjacent to a Residential District (not including R-O) then the minimum setback from the side lot line is 30 feet.</p>		

C. *Supplemental standards for freestanding signs.*

1. *Number of freestanding signs allowed.*

- a. Lots with less than 300 lineal feet of frontage on any one street may have only one freestanding sign per that street frontage.
- b. Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.
- c. No more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.

2. *Wrapping structural steel supports.*

- a. Signs that are eight feet or less in height with exposed structural steel support: The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.
- b. Signs that are greater than eight feet in height: All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.
- c. The width of the covering shall be symmetrical for all supports. (See Figure 6)
- d. The depth of the support coverings shall not exceed the depth of the sign. (See Figure 6)
- e. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.
- f. The following materials shall not be used for covering structural steel supports:
  - i. T-111
  - ii. Plywood
  - iii. Particle Board
  - iv. Sheet Metal of less than 24 gauge

## v. Aluminum of less than .063 inches

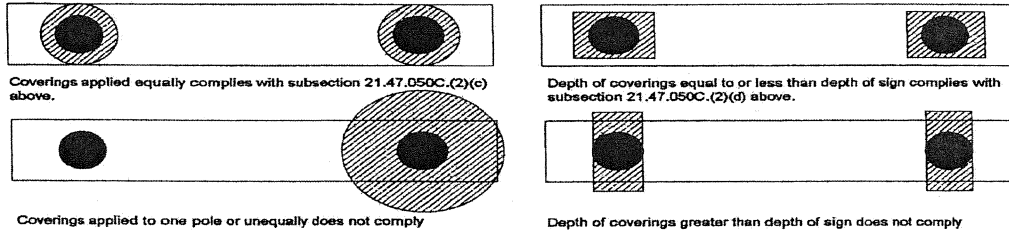


Figure 6: Examples of pole wrap. Poles depicted in plan view.

Figure 6: Examples of pole wrap. Poles depicted in plan view

Figure 7. Freestanding sign in PLI Zone  
 Illustration: 3 ft. height, 45 sq ft area (approx.)  
 Maximum Permitted: 15 ft height, 120 sq ft area



Figure 7. Freestanding sign in PLI Zone

D. Supplemental standards for all changeable copy signs.

1. Freestanding signs may have up to 30 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 30 percent of the actual sign area or 120 square feet, whichever is less, devoted to changeable copy.
2. Changeable copy may only be changed manually, provided, however, if the business or institution has frontage on a street of Class II or greater classification in the official streets and highways plan, the copy may be changed electronically or mechanically as well as manually.
3. Copy which is changed electronically or mechanically shall not be changed more than one time per 20-second period, however if the business or institution has frontage on a street of Class II or greater classification in the official streets and highways plan, the changeable copy shall not change more than one time per two seconds.



- 4. Scrolling copy is allowed if these requirements are met:
  - a. The message is completed within no less than two seconds and no more than five seconds.
  - b. The complete message remains static before scrolling recommences for no less time than required for other changeable copy signs in the district.
- E. *Instructional signs.* Signs that comply with the definition of "instructional sign" shall be permitted as needed provided such signs comply with the following:
  - 1. The signs are not larger than necessary to serve the intended instructional purpose;
  - 2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose; and
  - 3. Instructional signs shall not exceed six square feet in area.
  - 4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.
- F. *Temporary signs.* Temporary signs in the PLI, R-O, and W Districts are permitted pursuant to Schedule 21.47.050 E as set forth below:

<i>Schedule 21.47.050 E</i>	
<i>Temporary Signs in the PLI, R-O, and W Districts</i>	
	<i>Requirement</i>
Maximum Area	100 square feet (32 square feet rigid material)
Maximum Number of Signs Per Principal Use	1
Maximum Number of Display Days	60 <sup>(a)</sup>
Lighting	Internally illuminated or lighted signs are prohibited.
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Yards	Same as permanent signs
<sup>(a)</sup> For temporary signs involving the sale, rent, or lease of the property on which the sign is located, the time limit is unlimited.	

- G. *Display of commercial flags.* In the PLI, R-O, and W Districts, a maximum of three flagpoles may be erected on any parcel provided that:
  - 1. A maximum of three commercial flags may be displayed simultaneously;
  - 2. The maximum length of the flag pole shall be 30 feet; and
  - 3. The total maximum size of all commercial flags displayed shall not exceed 120 square feet. Subject to the total maximum size of commercial flags, a commercial or non-commercial organization may display alongside a national or governmental flag,
- one organizational flag not larger than the national or governmental flag.
- 4. The corporate or commercial flag may only display the name, trademark, or logo of the business on the parcel and such flag may not be used for other business or advertising purposes.
- H. *Unified sign plan:* To recognize and accommodate irregular site shapes (which are typically characterized by narrow lot frontages resulting in some buildings with extraordinarily large setbacks and limited visibility to a public street) multiple

contiguous lots and/or tracts may be considered as a single site for the purposes of determining the size, number, and placement of freestanding signs permitted pursuant to this chapter. Solely for the purposes of this section:

1. The number and area of the freestanding signs permitted, pursuant to Schedule 21.47.050 B, shall be determined based on size and frontage of the multiple properties being considered as a single parcel.
2. After a unified sign plan has been approved by the municipality and a permit has been issued, the sign rights or limitations shall be recorded with the state district recorder's office as a deed restriction.
3. Revocation of a unified sign plan must be approved by all participants in the plan; all signs on the affected properties must be in compliance with this code before the plan can be revoked.
4. This section shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska Statutes §§ 19.25.075—19.25.180.

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 4, 6-14-05; AO No. 2005-163(S-2), § 3, 5-16-06)

**21.47.060 Signs in the nonresidential districts (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, I-3, MC, MI, R-11(a) and T).**

Signs in the nonresidential districts (B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, I-3, MC, MI, R-11(a) and T) shall conform to the standards set forth in this section.

<sup>(a)</sup>For the R-11 District, the standards in this section only apply to non-residential parcels.

*A. Basic standards for building signs.*

1. *Maximum area of permanent building signs.* Building signs shall conform to the maximum area limitations set forth in Schedule 21.47.060 A.
2. *Placement of building signs.*
  - a. The building signs permitted in Schedule 21.47.060 A. may be placed on the wall, awnings, canopies, parapets, or be a projecting sign in compliance with subsection "b."
  - b. Projecting signs shall be limited to occupants that have a minimum of ten feet of occupant building frontage provided that:
    - i. All projecting signs shall have a maximum height of 14 feet and a minimum clearance of eight feet from the ground to the bottom of the sign. A projecting sign may be a minimum of six feet from the ground when it is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign.
    - ii. Projecting signs shall be placed on the building so that the signs are intended to be viewed by the pedestrians on the abutting street or pedestrian way.

3. Additional building signs for multiple story buildings: In addition to the building signs in subsection 21.47.060 A, one additional sign is permitted on each of the building's primary and secondary frontages, and on each building wall which faces a major arterial street regardless of the proximity of the major arterial street to the multiple story building lot, according to the follow-

ing: For a building with two floors the additional permitted sign area is 40 square feet for an eligible building wall. This additional sign area may be increased by ten square feet for each additional floor in the building provided that the sign is placed at the floor height for which the bonus is given.

<i>Schedule 21.47.060 A</i>		
<i>Building Signs in All Non-Residential Districts</i>		
<i>(B-1A, B-1B, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, I-3, MC, Mi, R-11(a) and T)</i>		
<i>Sign Type</i>	<i>Maximum Number Permitted</i>	<i>Base Area Permitted on a Single Building Frontage<sup>(b)</sup></i>
(A) Signplate	1/address	2 square feet
(B) Building Sign on Primary Frontage <sup>(c)</sup>		<ul style="list-style-type: none"> <li>• 1.2 sq. ft. per linear ft. of primary frontage in the B-2A, B-2B, and B-2C Districts.</li> <li>• 2 sq. ft. per lineal ft. of primary frontage in all other Districts regulated in this Section 21.47.060.<sup>(d)</sup></li> </ul>
(C) Building Sign on Secondary Frontage		1.2 sq. ft. per lineal ft. of secondary frontage
(D) Building Sign on Door of Rear Entrance		2 sq. ft. per each door
(E) Instructional Sign	Shall be exempt from regulations when in compliance with Section 21.47.060 D	

<sup>(a)</sup>The standards in this Chapter only apply to non-residential parcels in the R-11 District.  
<sup>(b)</sup> See Subsection 21.47.030 B.  
<sup>(c)</sup>The maximum sign area that is permitted for primary frontage may be transferred to a secondary frontage provided that the maximum sign area on any secondary frontage does not exceed two square feet for each lineal foot of frontage.  
<sup>(d)</sup>The maximum building sign area for a building or any portion of the building that is setback more than 200 feet from the right-of-way that provides primary access to the site may be increased by 25 percent, provided the building is visible from the street.

B. *Basic standards for permanent freestanding signs:*

1. *Maximum area and height, minimum setback of permanent freestanding signs.* Permanent freestanding signs shall comply with the maximum area and height limitations and minimum setback from the street right-of-way set forth in Schedule 21.47.060 B.
2. *Sign area proportions:* For any freestanding sign greater than 15 feet in height but less than 20 feet, the horizontal portion (width) of the face shall not exceed four times the height of the face. For any freestanding sign between 20 feet and 25 feet in height, the horizontal portion (width) of the face shall not exceed three times the height of the face.

C. *Supplemental standards for freestanding signs.*

1. *Number of freestanding signs allowed.*

- a. Lots with less than 300 lineal feet of frontage on any one street may have only one freestanding sign per that street frontage.

<i>Schedule 21.47.060 B</i>					
<i>Freestanding Sign Regulations</i>					
	<i>B-1A, B-1B,</i>	<i>R-11 (Commercial and Industrial parcels)</i>	<i>B-2A, B-2B, B-2C</i>	<i>B-3, B-4, I-1, I-2, I-3, MC, MI</i>	<i>T-Com</i>
(A) Maximum Height	12 ft.	12 ft.	8 ft.	25 ft.	12 ft.

<i>Schedule 21.47.060 B</i>					
<i>Freestanding Sign Regulations</i>					
	<i>B-1A, B-1B,</i>	<i>R-11 (Commercial and Industrial parcels)</i>	<i>B-2A, B-2B, B-2C</i>	<i>B-3, B-4, I-1, I-2, I-3, MC, MI</i>	<i>T-Com</i>
(B) Maximum Area	80 sq. ft.	80 sq. ft.	64 sq. ft.	0.7 sq. ft. per 1 lineal foot of frontage <sup>(c)</sup>	80 sq. ft.
(C) Number/Frontage	See subsection 21.47.060 C				
(D) Separation	150 ft.				
(E) Minimum Setback from R.O.W.	0 ft.	10 ft.	0 ft.	0 ft.	10 ft.
(F) Minimum Setback from side lot line <sup>(b)</sup>	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
(F) Entrance and Exit Signs <sup>(a)</sup>					
Maximum Area	6 sq. ft.				
Maximum Height	5 ft.				
<sup>(a)</sup> Entrance and exit signs, which are permitted in addition to the above freestanding signs, shall be limited to two for each entrance/exit driveway.					
<sup>(b)</sup> If the side lot line is adjacent to a Residential District (not including R-O) then the minimum setback from the side lot line is 30 feet.					
<sup>(c)</sup> The maximum allowable area shall not be less than 70 square feet nor greater than 200 square feet.					

- b. Lots with 300 or more lineal feet of frontage on any one street may have two freestanding signs per that street frontage.
- c. Except in a commercial development as described in subsection 21.47.060.C.1.d, no more than two freestanding signs are allowed along any one frontage. Freestanding signs must be separated by a minimum distance of 150 feet. On corner lots, the property frontage on both streets shall be considered when measuring the separation.
- d. If a commercial development comprises more than a single platted lot, and one or more of the platted lots or fragment lots of the commercial development have frontage on a classified street of Class 3 or greater, then each platted lot or fragment lot having a building and frontage of 100 feet or more on the Class 3 or greater street shall be permitted a freestanding, monument style sign, sub-

ject to the limitations of this subsection. In addition, if a building central to the commercial development has frontage of less than 100 feet on the Class 3 or greater street, then one freestanding, monument style sign adjacent to each entrance to the property from the Class 3 or greater street shall be permitted subject to the limitations of this subsection. The height limitation shall be eight feet, excluding the base; the total area of each sign shall not exceed 120 square feet; pole signs are prohibited; and each sign shall comply with all other requirements of this chapter. Signs permitted by this subsection are in addition to all other signage within the commercial development permitted by this chapter including freestanding signs along frontage on classified streets of less than Class 3, and building signs.

2. *Wrapping structural steel supports.*
  - a. *Signs that are eight feet or less in height with exposed structural steel support:* The structural steel supports shall have a covering that totals at least four times the width of the structural steel at its widest point and is parallel to the sign face.
  - b. *Signs that are greater than eight feet in height but less than 15 feet in height:* All structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point and are parallel to the sign face.
  - c. *Signs 15 feet or greater in height that have a single structural steel support:* The structural steel support shall have a covering that totals at least 25 percent of the width of the sign at its widest point and is parallel to the sign face.
  - d. *Signs 15 or greater in height that have more than one struc-*

*tural steel support:* The structural steel supports shall have coverings that collectively total at least 33 percent of the width of the sign at its widest point.

- e. The width of the covering shall be symmetrical for all supports. (See Figure 9)
- f. The depth of the support coverings shall not exceed the depth of the sign. (See Figure 9)
- g. In all circumstances, the covering shall extend from four inches above the ground to the base of the sign face.
- h. The following materials shall not be used for covering structural steel supports:
  - i. T-111,
  - ii. Plywood,
  - iii. Particle board,
  - iv. Sheet metal of less than 24 gauge,
  - v. Aluminum of less than .063 inches.

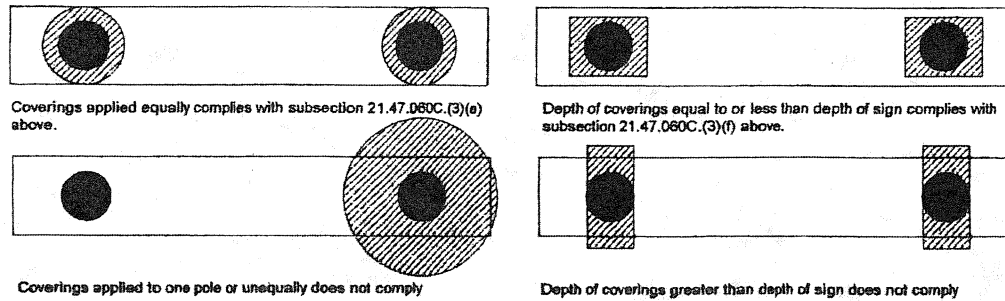


Figure 9: Examples of pole wrap. Poles depicted in plan view.

Figure 9: Examples of pole wrap. Poles depicted in plan view.



Figure 10. Freestanding sign  
 Illustration: 21 ft height, area unknown  
 Maximum Permitted: 25 ft height



Figure 11. Freestanding sign  
 Illustration: 14 ft height, 85 sq ft area  
 Maximum Permitted: 25 ft height, 200 sq ft area

Figure 10. Freestanding sign-Figure 11. Freestanding sign

3. *Multi-occupant facilities.* When a free-standing sign is constructed on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants, or some combination thereof.
- D. *Supplemental standards for all changeable copy signs.*
1. Freestanding signs may have up to 50 percent of the actual sign area devoted to changeable copy. Building signs and projecting signs may have up to 50 percent of the actual sign area or up to 150 square feet, whichever is less, devoted to changeable copy.
  2. Copy which is changed electronically or mechanically shall not be changed more than one time per two-second period.
3. Scrolling copy is allowed if these requirements are met:
    - a. The message is completed within no less than two seconds and no more than five seconds.
    - b. The complete message remains static before scrolling recommences for no less time than required for other changeable copy signs in the district.
- E. *Instructional signs.* Signs that comply with the definition of "instructional sign" shall be permitted as needed provided such signs comply with the following:
1. The signs are not larger than necessary to serve the intended instructional purpose;
  2. The number of instructional signs located on the site are the minimum needed to serve the intended instructional purpose; and
  3. Instructional signs shall not exceed six square feet in area.

4. The signs may be placed on the base of a permitted freestanding sign without the area of such instructional sign, or the background, being considered as part of or added to the area of the freestanding sign.
- F. *Unified sign plan.* To recognize and accommodate irregular site shapes (which are typically characterized by narrow lot frontages resulting in some buildings with extraordinarily large setbacks and limited visibility to a public street) multiple contiguous lots and/or tracts may be considered as a single site for the purposes of determining the size, number, and placement of freestanding signs permitted pursuant to this section. Solely for the purposes of this section:
1. The number and area of the freestanding signs permitted, pursuant to Schedule 21.47.060B, shall be determined based on size and frontage of the multiple properties being considered as a single parcel.
  2. After a unified sign plan has been approved by the municipality and a permit has been issued, the sign rights or limitations shall be recorded with the state district recorder's office as a deed restriction.
  3. Revocation of a unified sign plan must be approved by all participants in the plan; all signs on the affected properties must be in compliance with this Code before the plan can be revoked.
  4. This subsection shall not be interpreted as authorizing the erection or maintenance of any sign or display within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of an interstate, primary or secondary highway, or the erection or maintenance of any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway with the purpose of the message displayed being read from that travel way, in a manner that would conflict with the provisions of Alaska Statutes Sections 19.25.075—19.25.180.
- G. *Display of commercial flags.* In a "B" or "I" District a maximum of three flagpoles may be erected on any parcel provided that:
1. A maximum of three commercial flags may be displayed simultaneously;
  2. The maximum length of the flag pole shall be 30 feet; and
  3. The total maximum size of all commercial flags displayed shall not exceed 120 square feet. Subject to the total maximum size of commercial flags, a commercial or non-commercial organization may display alongside a national or governmental flag, one organizational flag not larger than the national or governmental flag.
  4. The corporate or commercial flag may only display the name, trademark, or logo of the business on the parcel and such flag may not be used for other business or advertising purposes.
- H. *Temporary signs.* Temporary signs in non-residential districts are permitted pursuant to Schedule 21.47.060H as set forth below:
1. Banners shall not be deemed signs for purposes of sign permitting requirements under title 23 and the temporary sign removal cash bond requirement in 21.20.007 provided that these conditions are met:
    - a. The banner is maintained in an "as new" condition at all times and is displayed and secured so as not to encroach into a public right-of-way.

- b. Notice is filed with the Municipality, land use enforcement division, at commencement of each display period.
- c. The banner is displayed for no more than 30 consecutive days from the commencement date specified in the notice, and for no more than 120 total days annually.
2. Balloons, pennants, ribbons, and streamers are considered decorative display and not signs for purposes of sign permitting under title 23 and the temporary sign removal cash bond requirement in 21.20.007. Balloons, pennants, ribbons, and streamers must meet these requirements:
- a. Balloons, pennants, ribbons, and streamers shall be maintained in an "as new" condition at all times and shall be displayed and secured so as not to encroach into a public right-of-way.
- b. Balloons, pennants, ribbons, and streamers are decoration within the scope of enforcement of AMC 15.20.020.B.11 and shall not create a public nuisance by reason of condition or inappropriate location.
3. Poster advertisement and other window applications that are affixed or attached to a window or door, or are applied or attached within a building and located near a window for the purpose of being visible to and read from the outside of the building, are permitted without being subject to number, sign permitting under title 23 and the temporary sign removal cash bond requirement in 21.20.007. The total combined area of poster advertisement and other window application shall not exceed 50 percent of the window area.

<b>Schedule 21.47.060 H Temporary Signs</b>	
	<i>Requirement</i>
Maximum Area	100 square feet (32 square feet rigid material)
Maximum Number of Signs Per Principal Use	2 <sup>(a)</sup>
Maximum Number of Display Days	120 <sup>(b)(c)</sup>
Lighting	Internally illuminated or lighted signs are prohibited.
Motion	Animation or flashing is prohibited
Maximum Height (Freestanding)	Same as permanent signs
Set Back From Lot Lines	Same as permanent signs
<sup>(a)</sup> Ideological and political signs are exempt. <sup>(b)</sup> For decorative display, window poster/other window application, and temporary signs involving the sale, rent, or lease of the property on which the sign is located, the number of days is unlimited. <sup>(c)</sup> Maximum number of display days per year for all temporary signage if not subject to specific exception or exemption.	

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 5, 6-14-05; AO No. 2005-163(S-2), § 4, 5-16-06; AO No. 2012-96(S), § 1, 11-13-12)

#### **21.47.070 Prohibited signs.**

The following signs are prohibited:

- A. Roof signs, except for signs with no more than 20 percent of the actual sign area

extending no more than 20 percent of the building height above the roof or parapet wall.

- B. Billboards and other off-premise signs.  
 C. Any sign or display within 660 feet of the nearest edge of the right-of-way and visi-



ble from the main-traveled way of an interstate, primary or secondary highway, or any sign or display beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of an interstate, primary or secondary highway erected or maintained with the purpose of the message displayed being read from that travel way, that would conflict with the provisions of Alaska Statutes Sections 19.25.075—19.25.180.

- D. Portable signs.
- E. Flashing, moving, animated, coursing, blinker, racer-type, intermittent, moving or revolving signs and/or devices except as defined in AMC 21.47.030.E.20, whirligig devices, inflatable signs and oversize tethered balloons, spinners, and other similar types of attention-getting devices except for pennants, ribbons, streamers, and latex balloons not exceeding 16 inches in diameter, when maintained in "as new" condition. Pennants, ribbons, streamers, and latex balloons not maintained in "as new condition" shall be deemed unsightly and subject to enforcement under 15.20.020.B.11. Changeable copy signs are not prohibited when in compliance with the applicable regulations in this chapter.
- F. Signs in the AF Antenna Farm District except for warning signs and identification placards required in subsection 21.45.265.A.10.

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 6, 6-14-05; AO No. 2005-163(S-2), § 5, 5-16-06)

#### **21.47.080 Supplemental sign standards.**

*A. Illumination of permanent and temporary signs.* Permanent and temporary signs shall be permitted to be illuminated in compliance with the following:

1. Signs shall not include animated, flashing, moving or intermittent illumination except that the messages may change no more frequently than the rates specified in subsections 21.47.040 B, 21.47.050 C, and 21.47.060 C.
2. Temporary signs shall not be internally illuminated. Any external illumination of these signs shall be permitted only in commercial and industrial zones.
3. All internally illuminated building or free-standing signs with the exception of neon-lighted signs with exposed neon tubes shall comply with the following:
  - a. Except as provided in c. of this subsection below, the sign shall be constructed with either: an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols. Registered trademarks and logos are exempt from this provision.

- b. No internal lighting shall include exposed incandescent or fluorescent bulbs.
  - c. A changeable copy sign with dark colored letters or symbols on a lighter contrasting translucent background may be internally illuminated if the internally illuminated area of the sign does not exceed 20 square feet.
  - d. During daylight hours between sunrise and sunset, luminance shall be no greater than 5,000 candelas per square meter for LED signs. At all other times, LED luminance shall be no greater than 800 candelas per square meter.
4. Freestanding signs more than 15 feet high shall only be internally illuminated. Signs less than or equal to 15 feet in height may be either internally or externally illuminated.
  5. The external illumination of freestanding signs shall comply with the following:
    - a. Any external lighting of signs that have a height of between eight feet and 15 feet must be from the top of the sign and directed downward;
    - b. The lighting of signs that have a height of eight feet or less may be illuminated from the top of the sign or from the ground.
  6. Externally illuminated building signs may only be illuminated from the top of the sign.
  7. Light sources for externally illuminated signs must be shielded and directed so that the light shines on the sign and that the light source is not visible beyond the property line.
  8. Freestanding signs accessory to a single-family dwelling, two-family, or townhome use in a residential district shall not be illuminated.
  9. Signs on a building or parcel in a residential district that has multi-family uses shall not be internally illuminated.
  10. For signs on permitted non-residential uses in residential districts the illumination may be from external sources or by internal illumination of the letters and logos only; internal illumination of the background portion of the sign is prohibited.
  11. *Reserved.*
    - B. *Preservation of sight lines.* For the purpose of assuring that drivers and pedestrians have adequate visibility at the intersection of a roadway, street, driveway, trail, or alley, no sign or portion of a sign between a height of two and one-half feet and eight feet shall conflict with the American Association of State Highway and Transportation Officials (AASHTO) Sight Distance Triangle specifications.
      - C. *Construction standards.*
        1. The construction, erection, safety and maintenance of signs shall comply with the Uniform Sign Code as amended.
        2. Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
        3. Permanent signs shall be fabricated on and of materials that are of good quality and good durability.
        4. Electric signs and all permanent signs involving structural requirements of the building code shall be installed, repaired, altered and serviced only by a contractor licensed to perform such tasks.
        5. No sign shall be erected so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress and egress of any building.
        6. No sign shall be attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.
        7. Temporary signs shall be durable and weather-resistant and fastened or anchored sufficiently, whether attached to the building or positioned in the ground.

8. No sign regulated by any of the provisions of this section shall be erected in the right-of-way, in proximity to railroad crossings, or at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign signal or device; or which makes use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.
9. In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.

D. *Maintenance.* All signs shall be maintained in accordance with the following:

1. The property owner, occupant, or other person responsible for the sign shall maintain the sign in a condition fit for the intended use and he or she shall have a continuing obligation to comply with all building code requirements.
2. If the administrative official finds that any sign is unsafe, insecure, a menace to the public, notice shall be given in writing by the administrative official to the owner. The owner of the business shall, within 48 hours of such notification, correct such unsafe condition or remove the sign. If the correction has not been made within the 48 hours, the sign may be removed or altered by the municipality to comply with these regulations at the expense of the owner or occupant of the property upon which the sign is located. The administrative official may cause any sign, which, in the municipality's opinion, creates a danger to persons or property to be removed immediately and without notice.
3. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the

same may be done without a permit or any payment of fees provided that all of the following conditions are met:

- a. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.
  - b. The sign shall be accessory to a legally permitted, conditional or non-conforming use.
4. The administrative official may order any sign to be repaired whenever needed to keep the sign in a safe condition. All supports, guys, braces and anchors for such signs shall be maintained in a safe condition.
  5. The sign face of any permanent sign which advertises a business that has not been conducted on the premises for 180 consecutive days or fails to serve the purposes for which it was intended, or evidences a lack of maintenance, shall be removed by the owner, agent, or person having the beneficial use of the building, structure or land upon which such sign is located, within 30 days after written notice by the administrative official and the sign area shall be replaced by a neutral, single background color panel or similar cover. If the sign is comprised of individually raised letters then the letters shall be removed. Upon failure to comply with such notice within the time specified in such order, the administrative official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the property on which such sign is located.

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 7, 6-14-05; AO No. 2005-163(S-2), § 6, 5-16-06)

#### **21.47.090 Regulations for nonconforming signs.**

A. *Legal nonconforming permanent signs.* Any permanent freestanding or building sign lawfully built prior to the adoption of this chapter that does not comply with the maximum height, max-

imum area, location, or the number of signs permitted as set forth in this chapter shall be considered a legal nonconforming sign.

B. *Amortization of permanent signs.* Any permanent sign exceeding current size or height requirements by greater than 50 percent, must be brought into compliance with this chapter within ten years from the date of adoption of this subsection.

C. *Termination.* Except as provided in 21.47.080.D, a nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this section or removed, when any of the following occur:

1. The size or shape of the sign is changed.
2. The location of the sign is changed.
3. The business is sold and there is a change of use of the premises. A change of use occurs when the type of use is not within the same use category as the immediate prior allowable use type, determined by reference to the Tables of Allowed Uses under this title. Prior to completion of Project 21 (Title 21 Code Revision), use type and use category shall be determined in reference to section 21.05.010 Tables of Allowed Uses of Public Review Draft #2.
4. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status.
5. Nonconforming signs in relation to principal structures. If more than 50 percent of the assessed value of the principal structure on a property is replaced, repaired or renovated, the existing sign(s) for the principal structure shall be removed or brought into compliance with the provisions of this chapter at the time of the replacement, repair, or renovation.
6. Change which increases nonconformity. In accordance with 21.55.100, change shall be permitted in the direction of conformity to the requirements of this chapter. A sign will lose its legal nonconforming status immediately upon any change which

increases nonconforming. Municipal permit fees are waived for nonconforming signs to be brought into full conformity, if an estimate by a licensed and bonded contractor with a designated date of completion of the new conforming sign is provided within two years of the passage of this ordinance.

D. *Amortization of illuminated signs.* Any illuminated sign that does not meet the requirements of 21.47.080A, with the exception of subsection 21.47.080.A.3.a, shall be altered to comply with the requirements of this chapter by May 31, 2008. All LED signs shall comply with the luminance standards of subsection 21.47.080 by November 20, 2005.

E. *Amortization of animated signs.* Any sign which contains non-complying animation, changeable copy, or flashing or moving parts shall be altered to comply with the requirements of this chapter within 180 days from the date of adoption of this chapter which is October 1, 2003.

F. *Maintenance of nonconforming signs.* Nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the municipality until such sign is required to be removed as set forth in this section.

G. *Reconstruction of damaged sign.* If a sign and/or its support are damaged to the extent where the repair cost exceeds 50 percent of the replacement cost of the sign, the sign shall be removed or brought into compliance. If the repair costs do not exceed 50 percent of the replacement cost of the sign, the administrative official may authorize the sign to be repaired, provided all repair work is completed within 90 days, subject to the administrative official extending the time for good cause, of the date the administrative official determines the damage requires replacement or permits repair. In no event may a sign be maintained in an unsafe condition during the process of this determination or the period necessary for repairs.

H. *Historic signs.* The urban design commission may grant exceptions to these standards whenever a sign or property has been designated

a historic sign pursuant to the guidelines and criteria established and adopted by the urban design commission.

I. *Extension of time to comply.* The dates established in this section for a sign to be brought into compliance with the requirements of these regulations may be appealed to the zoning board of examiners and appeals by the owner or lessee of the nonconforming sign pursuant to section 21.30.110 of Title 21. In evaluating the extension of time for a nonconforming use, the zoning board of examiners and appeals shall consider, in addition to the criteria of section 21.30.160, the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup his investment:

1. The value of the sign at the time of construction and the length of time the sign has been in place;
2. The life expectancy of the original investment in the sign and its salvage value, if any;
3. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
4. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
5. The extent to which the sign is not in compliance with the requirements of this chapter; and

6. The degree to which the board determines that the sign is consistent with the purposes of this chapter.

(AO No. 2003-62(S-1), § 1, 10-1-03; AO No. 2005-61(S), § 8, 6-14-05; AO No. 2005-163(S-2), § 8, 5-16-06)

**21.47.100 Administrative provisions.**

A. *Compliance with this chapter.* No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all provisions of this chapter have been met.

B. *Approval requirements for signs:* To ensure compliance with these regulations proposed signs shall be required to receive a permit from the department of planning as set forth in Schedule 21.47.100 B. Other signs specified in the schedule do not require a permit.

C. *Status of prior violations.* All violations of the sign regulations repealed by the adoption of this ordinance shall remain violations of the ordinances of the Municipality of Anchorage and all penalties and enforcement remedies set forth herein shall be available to the municipality as though the violation were a violation of this ordinance. Provided, however, that if the effect of this ordinance is to make a sign, that was formerly unlawful or nonconforming, become lawful and/or conforming, then no enforcement action shall be taken except for the imposition and collection of penalties, other than the removal of the sign, for the violations that occurred prior to the effective date of this ordinance.

<i>Schedule 21.47.100 B</i>		
<i>Administrative Requirements</i>		
	<i>Permit</i>	<i>No Permit*</i>
Sign Plate		X
Permanent Building Sign	X	
Permanent Freestanding Sign	X	
Entrance/Exit		X
Instructional		X
Temporary - on a parcel		X
Temporary - for a Business		X
Construction signs		X
Temporary for any Residential Unit		X

\*Unless otherwise required by Title 23

D. *Application and review requirements.*

1. An application for a sign permit shall be made to the administrative official on the form provided and in the manner required.
2. When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.
3. The administrative official shall review and act on the sign applications for permanent signs for which a permit is required to assure compliance with the standards set forth in this chapter.

(AO No. 2003-62(S-1), § 1, 10-1-03)

**21.47.105 Procedure for obtaining an administrative variance for signs.**

A. The planning director may grant an administrative variance from the height restrictions and/or setback requirements for freestanding signs, provided:

1. Special topographic circumstances exist that would result in a material impairment of visibility of a conforming sign from the adjacent roadway,
2. There is no reasonable conforming alternative to the variance,
3. Any setback variance does not result in an encroachment into a public right-of-way, and
4. A fee has been received.

B. The director shall make written findings and conclusions for each variance request.

C. If the request for an administrative variance is denied, the applicant may apply for a variance under AMC 21.47.110.

(AO No. 2005-61(S), § 9, 6-14-05)

**21.47.110 Variances and appeals.**

The urban design commission shall hear and decide on any request for a variance to the regulations in this chapter 21.47 including:

- A. The maximum sign area, the maximum sign height, the location of the sign, and

the number of signs on the parcel. In evaluating the request for a variance to the maximum sign height the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.

- B. The portion of the sign structure that should be exempt from being considered part of the sign area if such exemption has not been granted by the administrative official pursuant to subsection 21.47.030 A4.

(AO No. 2003-62(S-1), § 1, 10-1-03)

## Chapter 21.50

### STANDARDS FOR CONDITIONAL USES AND SITE PLANS\*

21.50.010	Scope of chapter.
21.50.020	General standards for conditional use approval.
21.50.025	Conditional use standards—Standards for approval of skywalks.
21.50.027	Conditional use standards—Design standards for skywalls.
21.50.030	Conditional use standards—Health care facilities and related institutions, large residential care facilities, adult care facilities, correctional facilities and similar institutions.
21.50.035	Standards for correctional community residential centers.
21.50.040	Conditional use standards—Churches and other places of religious worship. (Repealed)
21.50.050	Conditional use standards—Convenience establishments.
21.50.060	Conditional use standards—Gasoline service stations.
21.50.070	Conditional use standards—Natural resource extraction.
21.50.080	Conditional use standards—Storage yards.
21.50.085	Site plan review standards for self-storage facilities.
21.50.090	Conditional use standards—Junkyards.
21.50.100	Conditional use standards—Off-street parking.
21.50.110	Conditional use standards—Townhouses, row houses and office buildings built to a common wall (R-O district).
21.50.120	Conditional use standards—Mobile home parks.
21.50.130	Conditional use standards—Planned unit developments.
21.50.140	Conditional use standards—Cemeteries.
21.50.150	Conditional use standards—Child care centers.
21.50.160	Conditional use standards—Uses involving sale of alcoholic beverages.
21.50.170	Conditional use standards—Social service facility.
21.50.200	General standards for site plan approval.
21.50.210	Cluster housing site plan review.
21.50.220	Conditional use standards—Drive-in banks.
21.50.230	Conditional use standards—Roominghouses.
21.50.270	Conditional use standards—Snow disposal sites.
21.50.280	Conditional use standards—Antennas, community interest and local interest towers.
21.50.285	Conditional use standards—Roof mount satellite dishes in residential districts. (Repealed)
21.50.290	Conditional use standards—Marine commercial and marine industrial facilities.
21.50.300	Conditional use standards—Incinerator facilities and thermal desorption units.
21.50.305	Conditional use standards—Large domestic animal facilities.
21.50.310	Standards for motorized sports facilities.
21.50.320	Public hearing site plan review—Large retail establishment.
21.50.400	Conditional use standards—Vehicle storage yards.
21.50.410	Conditional use standards—Shooting range, outdoor.
21.50.450	Conditional use standards—Containerized storage units in conjunction with vehicle-storage facilities.
21.50.460	Conditional use standards—Towers, high voltage transmission.

\*Cross references—Fines, § 14.60.030; procedure of obtaining variances, conditional uses, subdivision approval and other special land use permits, ch. 21.15.

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- 21.50.470 Small wind energy conversion systems—Multiple free-standing towers.
- 21.50.480 Utility wind energy conversion systems.
- 21.50.500 Site plan review standards—Restaurant or eating place alcoholic beverage license use.
- 21.50.510 Conditional use standards—Severe alcohol dependent housing.



**21.50.010 Scope of chapter.**

This chapter establishes standards for the approval of conditional uses and site plans, including cluster housing site plans. (GAAB 21.05.060.M, 21.05.080; AO No. 77-355; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 86-155)

**21.50.020 General standards for conditional use approval.**

The authority hearing a conditional use application may approve the application only if it finds that the conditional use:

- A. Furthers the goals and policies of the comprehensive development plan and conforms to the comprehensive development plan in the manner required by chapter 21.05;
- B. Conforms to the standards for that use in this title and regulations promulgated under this title;
- C. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- D. Will not have a permanent negative impact on the items listed in this subsection substantially greater than that anticipated from permitted development:
  1. Pedestrian and vehicular traffic circulation and safety.
  2. The demand for and availability of public services and facilities.
  3. Noise, air, water or other forms of environmental pollution.
  4. The maintenance of compatible and efficient development patterns and land use intensities.

(GAAB 21.05.060, 21.05.080; AO No. 77-355; AO No. 84-70; AO No. 85-21; AO No. 85-72; AO No. 86-155)

**21.50.025 Conditional use standards—Standards for approval of skywalks.**

In addition to the standards of section 21.50.020, the approval of a conditional use application for a skywalk shall consider if:

1. The skywalk primarily functions to serve pedestrian circulation needs;
2. Within the central business district, the skywalk minimizes adverse affects upon view corridors depicted on figure 4.6 and pedestrian improvements depicted on figure 4.3 of the CBD comprehensive development plan;
3. The public benefits of the skywalk exceed the advantages of the street level or underground pedestrian circulation systems that might otherwise exist or be designed to serve the applicant's project; and
4. The skywalk design is compatible with the mass, style, facade and finishes of the predominant existing, historic or proposed architectural patterns of the street block fronts on which the skywalk is to be constructed.

(AO No. 88-5(S))

**21.50.027 Conditional use standards—Design standards for skywalks.**

Skywalks shall be constructed in accordance with this section.

- A. *Required submittals.* With its application, the applicant shall submit the following:
  1. Written documents required by section 21.15.030.C.1.
  2. A report which discusses the functions, uses and objectives that the skywalk is designed to serve, and estimates of expected daily pedestrian use of the skywalk for the first year following completion of each project phase, if any, and after final project completion.
  3. A project vicinity map, at a scale of one to 20, showing, within 300 feet of the skywalk:
    - a. Pedestrian circulation systems.

- b. Location and type of existing land uses and structures, including building height, ground floor dimensions and utilities.
  - c. Locations and widths of dedicated rights-of-way, patent reserves, road easements and reservations and clear vision triangles prescribed by section 21.45.020.
  - d. View corridors and pedestrian improvements specified in figures 4.3 and 4.6 of the CBD comprehensive development plan.
  - e. Photographic record of streets, building facades and other existing improvements along the street corridor that the skywalk is to be constructed within.
4. A project facility plan, showing:
- a. The configuration of the skywalk.
  - b. The vertical and horizontal cross sections of the skywalk, with at least one cross section which depicts adjoining structures and ground level facilities.
  - c. The reflected lighting plans for interior and exterior illumination elements.
5. A visual assessment report illustrating the impact of the skywalk on the street and sidewalk over which it is constructed, as bordered by the facades to the second story of the structures connected by the skywalk. If the skywalk is to be located within the central business district, the report shall also illustrate the impact of the skywalk on pedestrian circulation systems and view corridors, as identified in figures 4.3 and 4.6 of the CBD comprehensive development plan.
6. A skywalk management agreement that includes a security, operations and maintenance plan, as well as the means by which the transparency standards for the skywalk, as defined in subsection B.5.e of this section, shall be maintained.
7. For a skywalk located within seismic zone 5 of the Geotechnical Hazards Assessment Study (1979), as adopted by section 2905(a) of the Uniform Building Code, as adopted in chapter 23.15, an assessment of the effects of seismically induced relative displacement between the two supporting ends of the skywalk. This assessment may be combined with the seismic evaluation requirements of the Uniform Building Code for structures.
- B. *Design criteria.* The following general design criteria shall apply to all skywalks, except when the applicant has persuaded the planning and zoning commission that an alternative design is equal or superior to such design criteria:
- 1. No less than 17½ feet of open space shall separate the bottom of a skywalk from the highest elevation of the street surface below it and used for vehicular travel, unless otherwise authorized by the government agency charged with administration of that street.
  - 2. No less than 14½ feet shall separate the bottom of the skywalk from the highest elevation of the sidewalk surface below it.
  - 3. The abovegrade structural supports of a skywalk shall neither be located within the public right-of-way nor obstruct any clear vision triangle required by section 21.45.020.
  - 4. Controls for icicle accumulation and glaciation shall be included in the design.
  - 5. A skywalk shall:
    - a. Be accessible to the handicapped;

- b. Be an enclosed and climate-controlled structure;
  - c. Be one story in height unless the planning and zoning commission finds by clear and convincing evidence that a two-story skywalk is essential to the function of the structures which it will connect;
  - d. Have an exterior width no less than 12 feet and no greater than 20 feet;
  - e. Have sides composed of glazing material with no less than 70 percent transparency;
  - f. Be level (zero degrees of slope) except for internal sloping ramps which are permitted under title 23 and which are not visible from the exterior of the skywalk;
  - g. Provide lighting on the underside of the skywalk to adequately illuminate all pedestrian circulation systems that the skywalk spans; and
  - h. Include orientation signage and locational guides to the areas in the buildings connected by the skywalk.
6. Skywalks shall not adversely affect or obstruct roadway safety functions or operations, such as clear vision triangles required by section 21.45.020, traffic signals, signs or roadway maintenance.
7. A clearly identified access route shall be designed between the skywalk and a pedestrian way or sidewalk which it spans.

C. *Skywalks in Phase 1 Skywalk District.* A skywalk located within the area designed as the Phase 1 Skywalk District, as described in the CBD comprehensive development plan, shall be designed in a man-

ner consistent with the standards stated for the Phase I Skywalk District in that plan.

- D. *Authority to impose different standards.* Different location, design and operational standards from those recited in this section may be imposed by the planning and zoning commission as necessary to mitigate adverse impacts created by the skywalk.

(AO No. 88-5(S))

**Editor's note**—This section was formerly codified in the 1977 Code as section 21.50.260.

**Cross reference**—Building regulations, ch. 23.05.

**21.50.030 Conditional use standards—Health care facilities and related institutions, large residential care facilities, adult care facilities, correctional facilities and similar institutions.**

The following standards shall apply to health care facilities and related institutions, large residential care facilities, adult care facilities, correctional facilities and similar institutions:

- A. 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 to ensure compatibility with the neighborhood.
- B. *Maximum lot coverage.* The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established, except a minimum of 25 percent of the lot shall remain as open area, to include landscaping, natural vegetation, or useable yard. The open area calculation shall not include buildings, driveways, parking areas, sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.

- C. *Yard requirements.* The planning and zoning commission may alter the minimum yards required by the underlying zoning district, except a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping meeting the standards in section 21.45.125.
- D. In reviewing conditional use applications for residential care facilities when reasonable accommodation is requested in support of the application, the planning and zoning commission shall consider factors relevant to the request for reasonable accommodation, including but not limited to, the following:
1. For conditional use to increase small residential care facility occupancy limits in R-1, R-1A, R-2A and R-2D districts, and for conditional use for large residential care facilities, the extent to which the accommodation and the assisted living provider seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the assisted living provider to mitigate environmental disturbance associated with ingress and egress of facility staff workers at shift change, and any other measures taken by the assisted living provider to ensure commercial aspects of the large residential care facility do not detract from its residential purpose and the primarily residential character of the district. An example of a commercial aspect is if residential trash containers are standard in the neighborhood and the assisted living provider used one or more dumpsters due to volume. An example of a mitigation measure by the assisted living provider for this aspect is to screen the dumpster.
  2. Economic hardship on the intended occupants if the conditional use is denied. Cost and availability of other housing alternatives, including whether a shortage of residential care facilities exists, may be addressed in preparation and review of the application.
  3. Whether the requested accommodation and the assisted living provider are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.
  4. Whether the conditional use advances housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.
  5. Whether the proposed size of the facility is necessary for the financial viability of a residential care facility.
  6. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting and sidewalks.
  7. Quantifiable risks to the health, safety, and quality of life of area residents and users.
  8. Administrative and economic burden on the municipality, in either approval or denial of the conditional use.
  9. Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application.
- E. *Authority to impose different conditions.* Except as specifically limited in this sec-

tion, different conditions may be imposed by the planning and zoning commission, if necessary, to properly develop the site and mitigate impacts.

F. *Required submittals.* The following shall be provided with an application:

1. A copy of the application submitted for state licensing.
2. Building elevations.
3. Landscaping.
4. Floor plans.
5. Site plan and/or as-built survey.
6. Description of the program, including the services offered and the professional certification or licenses required to operate.
7. If the conditional use applicant presents a request for reasonable accommodation in the provision of housing to persons with disabilities, the application shall include support for the accommodation, addressing relevant factors including, without limitation, the factors listed in subsection D above.
8. Submittals as required under section 21.15.030C. may also be required.

(GAAB 21.05.060.M; AO No. 85-91, 10-1-85; AO No. 88-6; AO No. 2005-124(S-1A), § 32, 4-18-06)

**21.50.035 Standards for correctional community residential centers.**

A. These standards apply to correctional community residential centers created after January 1, 1995. The addition of beds requires modification of the conditional use permit and authorization by the municipality under the department of health and human services permit. The three CCRCs established prior to 1995 under the quasi-institutional house provisions of Title 16 and Title 21 of this Code may continue to operate under the terms of their existing conditional use permits, subject to applicable permitting under the department of health and human services. No other beds may be added to these centers except the condi-

tional use permit may be modified for the number of beds in a CCRC established prior to 1995 with internal building area greater than 30,000 square feet if, and only if, the minimum space ratios permitted under chapter 16.80 are met without enlarging the outer dimensions of the center. No additional correctional community residential centers may be located in the B-2A, B-2B, or B-2C zoning districts or in a B-3 zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.

B. No new correctional community residential center may be located within 1,250 feet of the lot line of an existing center or a school or park, unless the planning and zoning commission determines that a further reduction in separation distance is warranted based upon the program proposed and any other circumstances the commission deems appropriate. If the commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based. Measurement shall be made from the nearest property line of an existing center to the property line of the site proposed for a new center.

C. Program occupancy limits and program requirements shall be as determined under AMC chapter 16.80 and shall not exceed limits established by the state department of corrections.

D. The maximum resident occupancy at a center shall not exceed the program occupancy limit established by the department of health and human services under chapter 16.80.

E. A center shall provide one off-street parking space per each full-time staff member, based on the maximum anticipated staffing.

F. Correctional community residential centers structured on the apartment living concept shall adhere to the residential dwelling unit density, minimum lot, minimum yard, maximum lot coverage and maximum building height provisions of the zoning district in which they are located.

G. Refuse containers and facilities shall be enclosed as required by the supplementary district regulations.

H. Landscaping requirements shall conform to those of the underlying zoning district.

I. Correctional community residential centers shall not house sex offenders. (AO No. 95-68(S-1), § 12, 8-8-95; AO No. 2007-156, § 2, 12-11-07; AO No. 2011-1(S-1), § 21, 2-15-11)

**21.50.040 Conditional use standards—Churches and other places of religious worship. (Repealed)**

(AO No. 86-90)

**21.50.050 Conditional use standards—Convenience establishments.**

A. *Permitted uses.* 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 and zoning commission.

B. *Separation from similar uses.* The proposed site shall be separated from any like convenience establishment or commercial district by at least 1,000 feet.

C. *Minimum lot size.* 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.* Minimum yard requirements are as follows:

1. *Front yard.* The minimum front yard shall be 20 feet, except as provided in chapter 21.40 or by the planning and zoning commission.
2. *Side and rear yards.* The planning and zoning 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, with the minimum for each use to be as provided in chapter 21.40.

F. *Loading facilities.* 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.

1. *Visual enhancement landscaping.* Except as provided in subsection 2 of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
2. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line except at vehicular and pedestrian ingress and egress points.

(GAAB 21.05.060.M; AO No. 77-355; AO No. 85-91, 10-1-85)

#### 21.50.060 Conditional use standards—Gasoline service stations.

The following standards shall apply to gasoline service stations:

- A. *Site location.* The site location shall be as follows:
  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.* Site design and development standards are as follows:
  1. *Minimum site dimensions.*
    - a. Minimum lot size is 14,000 square feet.
    - b. Minimum frontage on any one street is 100 feet.
    - c. Minimum building setback from any street right-of-way is 40 feet.

- d. Minimum building setback from any interior property line is 20 feet.
  - e. Minimum pump island setback from any property line is 15 feet.
2. *Architectural treatment.* In cases where there is existing development of a particular architectural character, the planning and zoning 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 or the state highway department.
  4. *Paving and drainage.*
    - a. All driveway approaches and parking areas and the general area in front of the service station and around the pump islands shall be paved with asphaltic compound or concrete.
    - 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 utilities, shall be placed underground.

7. *Walls.* In certain cases, the planning and zoning 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, for ten 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 rights-of-way.

10. *Landscaping.*

- a. *Visual enhancement landscaping.* Except as provided in subsection b of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
- b. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line except at vehicular and pedestrian ingress and egress points.

C. *Signs.* Signs may be regulated by the planning and zoning 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.  
(GAAB 21.05.060.M; AO No. 85-91, 10-1-85)

**21.50.070 Conditional use standards—Natural resource extraction.**

A. *Required submittals.* In addition to the materials required by section 21.15.030.E, an applicant for a natural resource extraction conditional use shall submit the following:

1. A site plan description, including:
  - a. Drainage.
  - b. Existing and proposed topographical contours (ten-foot 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. A landscaping plan for the period of natural resource extraction operations and for final restoration of the site.
4. A security plan to prevent casual trespass.
5. A 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 and development may require by regulation pursuant to chapter 3.40.



The site plan shall be subject to review and approval of the department of public works for drainage, erosion and sedimentation control; for conformance with the 208 Areawide Water Quality Management Plan; and for compliance with generally accepted sound engineering principles.

B. *Standards for approval.* The planning and zoning 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 dustfree. 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 ensures 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 and development may establish by regulation pursuant to chapter 3.40.

C. *Conditions.* The planning and zoning commission shall attach such conditions to the approval of a natural resource extraction conditional use as it finds are necessary to conform the use to the standards set forth in subsection B of this section.

(GAAB 21.05.060.M; AO No. 79-214; AO No. 77-355; AO No. 82-49; AO No. 85-91, 10-1-85)

#### **21.50.080 Conditional use standards—Storage yards.**

The following standards shall apply to storage yards:

- A. *Traffic access.* 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. *Location of site.* The proposed site shall not be located within 300 feet of any school, hospital, public building or other place of public assembly.

C. *Minimum lot size and width.* The minimum lot size for a storage yard in any district where they are permitted by special exception shall be two acres. The minimum lot width shall be 150 feet.

D. *Screening landscaping.* Screening landscaping shall be planted on the perimeter of the storage yard, except for vehicular and pedestrian ingress and egress points.

E. *Drainage; protection of water supply.* 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 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.

(GAAB 21.05.060.M; AO No. 77-355; AO No. 85-91, 10-1-85)

#### **21.50.085 Site plan review standards for self-storage facilities.**

The following standards shall apply to self-storage facilities:

A. Any use shall meet the standards of the supplementary district regulations, in addition to any requirements imposed by the site plan review. Additional restrictions as to the size of the use, hours of operation or other use restrictions may be required to meet the site plan review standards contained in this section and in section 21.50.200 to ensure compatibility with the neighborhood.

B. *Yard requirements.* The planning and zoning commission may specify such yard

requirements greater than required by the underlying zoning district as necessary to reduce or eliminate negative impacts on surrounding properties and land uses.

- C. **Landscaping.** No landscaping shall be required where a lot line abuts an industrially zoned district, or on the portion of site boundaries where a structure, excluding connexes, abuts the lot line, unless otherwise required by this title, or by the Commission.
- D. **Fencing.** Except as otherwise required by law, all site obscuring fence structures shall be at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line. The design of the sight-obscuring fence structure shall be approved and specified by the planning and zoning commission. The sight-obscuring fence structure shall be architecturally compatible with the surrounding properties. All portions of the fence structure that are visible to the public, adjacent to a protected creek under section 21.45.210, or plainly visible to adjacent residential neighbors shall be of a sight-obscuring nature, be compatible with the surrounding property, and be constructed of concrete, solid wood or chain link with a neutral color fabric screening or vinyl covering. The fence structure shall be maintained in a safe, sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence with posted and maintained prominent warning signs for the fencing, or with a maximum of at least one foot of the wire material exposed and visible outside the fence. This section supercedes the requirements of subsection 21.45.290B.2.
- E. **Financial guarantees.** The planning and zoning commission may require a financial guarantee to ensure installation of

required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.87.030.

(AO No. 78-28; AO No. 85-91, 10-1-85; AO No. 2004-108(S), § 8, 10-26-04)

#### **21.50.090 Conditional use standards— Junkyards.**

The term "junkyard" shall include, for the purpose of this section, the terms "auto wrecking yard" and "salvage or scrap yard." The following standards shall apply to junkyards:

- A. **Location of site.** The proposed site shall not be located within 500 feet of any school, hospital, public building, residential subdivision or place of public assembly.
- B. **Traffic access.** (Repealed by AO 2002-64, § 1, 5-21-02)
- C. **Minimum lot size and width.** The minimum lot size for a junkyard in any district where junkyards are permitted by conditional use shall be two acres. The minimum lot width shall be 150 feet.
- D. **Screening.** Screening landscaping shall be planted on each lot line, except for vehicular and pedestrian ingress and egress points.
- E. **Drainage; protection of water supply.** Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. The drainage plan 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 conditional use to be rescinded and the junkyard to be removed at the cost of the owner of the land upon which it is located. (GAAB 21.05.060.M; AO No. 77-355; AO No. 85-91, 10-1-85; AO No. 2002-64, § 1, 5-21-02)

**21.50.100 Conditional use standards—Off-street parking.**

A. *Minimum lot size and width.* The minimum lot size for any off-street parking structure in any

district where such structures are permitted by conditional use shall be 10,000 square feet. Minimum lot width shall be 80 feet.

B. *Yard requirements.* The planning and zoning 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.* Maximum height of structures is the same as is required for a permitted use in the zoning district where the site is located.

D. *Landscaping.*

1. *Visual enhancement landscaping.* Except as provided in subsection 2 of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
2. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a residential district.

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.

(GAAB 21.05.060.M; AO No. 85-91, 10-1-85)

**21.50.110 Conditional use standards—Townhouses, row houses and office buildings built to a common wall (R-O district).**

The following standards shall apply to townhouses, row houses and office buildings built to a common wall (R-O district):

A. *Minimum yard requirements.* Minimum yard requirements are as follows:

1. Front yard: Ten feet.

2. Side yard: At the common wall, none; otherwise five feet.

3. Rear yard: Ten feet.

B. *Maximum lot coverage.* Maximum lot coverage is the same as is required for permitted uses in the zoning district where the site is located.

C. *Maximum height of structures.* Maximum height of structures is the same as is required for permitted uses in the zoning district where the site is located.

D. *Off-street parking.* Off-street parking requirements are as follows:

1. For townhouses and row houses, at least one parking space shall be provided for each unit.
2. For office buildings, per use, the minimum shall 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 and parking areas shall be paved.

E. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

F. *Building agreements.* A common party wall agreement must be recorded.

(GAAB 21.05.060.M; AO No. 85-91, 10-1-85)

**21.50.120 Conditional use standards—Mobile home parks.**

A. *Minimum size of site.* The minimum size of a proposed mobile home park shall be two acres, except as otherwise required for the pertinent use district.

B. *Traffic access.* 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.* Density for proposed mobile home parks shall not exceed eight units per gross acre.

**D. Landscaping.**

1. *Visual enhancement landscaping.* Except as provided in subsection 2 of this subsection, all areas not devoted to mobile home spaces, buildings, structures, drives, walks, off-street parking facilities or other installations shall be planted with visual enhancement landscaping.
2. *Screening landscaping.* Screening landscaping shall be planted along each boundary of the mobile home park, except for vehicular and pedestrian ingress and egress points.

**E. Additional standards.** All mobile home parks shall meet the standards set forth in chapter 21.70.

**F. Sites in flood hazard district.** 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 five additional ties per side at intermediate points. Mobile homes more than 50 feet long shall require four additional ties per side.
3. All components of the anchorage system shall be capable of carrying a force of 4,800 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 alternate vehicular access and escape routes during times of flooding.

**G. Sites in floodplain.** No mobile homes shall be placed within the regulatory floodplain, except

that mobile home parks existing before September 25, 1979, shall be permitted to place mobile homes within existing unit spaces.

(GAAB 21.05.060.M; AO No. 79-169; AO No. 85-91, 10-1-85)

Cross references—Business licenses and regulations, tit. 10; mobile home parks, ch. 21.70; mobile home construction standards, ch. 23.35.

**21.50.130 Conditional use standards—Planned unit developments.**

**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. The planning and zoning 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 planning and zoning commission may require compliance with such other design standards relating to the construction, design and placement of buildings, landscaping, streets, roadways, pathways, drainageways 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. *Minimum site area.* The minimum site area for a planned unit development shall be 2.0 acres for PUD's located entirely in zoning

districts R-2M, R-3, R-4, R-O, B-1A, 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-1A, R-2D, R-2A, R-5, R-5A, 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 ten acres.

2. *Grading plan.* Building design and site development which involve excessive grading for the placement of structures, parking areas, driveways and roadways shall be depicted on a site plan and shall be described in the written documents.
3. *Traffic access.* 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. *Utility installation.* All new utilities shall be installed underground.
5. *Conformance with comprehensive plan.* A planned unit development shall be in accordance with the comprehensive plan.
6. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
7. *Fire safety requirements.* 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-2A, R-2D, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, 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 and zoning commission. However, in no event may the number of dwelling units per acre exceed the maximums estab-

lished by the following schedule:

Zoning District	<i>Dwelling Units per Acre (gross area)</i>
R-1 and R-5	8
R-1A	6
R-2D	15
R-2A	12
R-2M	22
R-3	55
R-4	110
R-5A and R-6	1.8
R-7	4.5
R-8	0.4
R-9	0.9
R-10	See section 21.40.115.F

2. *Open space.* A minimum of 30 percent 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 or less than 30 feet in its smallest dimension. A minimum of 12 percent and a maximum of 50 percent of required open space shall consist of yards which shall be reserved for the residents of individual dwellings. In multistory 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-2A, R-2D, R-2M, R-8, R-9 or R-10. Height limitations may be exceeded by an additional ten feet in districts presently zoned R-3 and D-3.
4. *Uses.* 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 ten percent 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. Buffer landscaping shall be planted along each boundary of the planned unit development adjoining a nonresidential district or a right-of-way designated for collector or greater capacity on the official streets and highways plan.
- 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 planning and zoning 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-1A, 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 districts listed in this subsection, 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 provisions for all PUD's, a business PUD shall meet the following minimum standards:

1. Parking lots shall conform to section 21.45.080.
2. Buffer landscaping shall be planted along each boundary of a business planned unit development that adjoins a residential district.
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 residen-

tial use:

<i>Zoning District</i>	<i>Dwelling Units per Acre (gross area)</i>
B-1A	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 ten acres including dedicated streets, and screening landscaping shall be planted along each boundary of the residential planned unit development, except for vehicular and pedestrian ingress and egress points. 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. Screening landscaping shall be planted along each boundary of an industrial planned unit development adjoining a residential district.
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.

F. *Planned unit developments in Turnagain Arm district.* Planned unit developments in the R-11 zone shall conform, with regard to uses and

residential density, to the land use plans of the Turnagain Arm Comprehensive Plan. Uses in an R-11 planned unit development shall conform to the standards in this section for planned unit developments containing those uses. (GAAB 21.05.060.M; AO No. 78-231; AO No. 81-97; AO No. 83-52; AO No. 84-34; AO No. 85-18; AO No. 85-91, 10-1-85; AO No. 85-173)

#### 21.50.140 Conditional use standards—Cemeteries.

A. *Minimum site area.* The minimum site area for a cemetery shall be five acres.

B. *Screening.* The site shall contain a ten-foot-wide buffer planted with screening landscaping immediately within and along the entire length of its periphery, except at access points to the cemetery, which shall be maintained by the property owner.

C. *Platting of burial plots.* Burial plots shall be platting in accordance with section 21.15.125.

D. *Density of burial plots.* Notwithstanding the minimum lot area for any zone, there shall be no more than 1,500 burial plots per gross acre.

E. *Interment below groundwater table prohibited.* No burial plots shall be established where interment would occur below the groundwater table.

F. *Traffic access.* A cemetery shall have access to a street designated on the official streets and highways plan as a collector or greater capacity.

G. *Location of crematoriums.* A crematorium shall be located at least 200 feet from any residential use or zone.

H. *Minimum yards.* A cemetery shall have the following minimum yards:

1. Front yard: Ten feet.
2. Side yard: Ten feet.
3. Rear yard: Ten feet.

I. *Location of burial plots within yards.* Graves and burial plots shall not be allowed within yard areas.



*J. Parking, driveways and streets.* Parking shall be provided according to section 21.45.080, except that the traffic engineer may authorize a pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.

*K. Illumination.* Illumination shall be provided in the manner prescribed in section 21.45.080 so as to prevent glare onto an adjacent street or residential use.

*L. Maximum height of structures.* The maximum height of principal and accessory structures shall not exceed 35 feet.

*M. Drainage facilities.* A site drainage plan and storm drainage facilities shall be constructed in accordance with the requirements of section 21.45.230.

*N. Refuse collection.* Refuse containers and facilities shall be enclosed by a fence on at least three sides in the manner provided by section 21.45.080.

*O. Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

*P. Authority to impose different conditions.* Different conditions may be imposed by the planning and zoning commission, if necessary, to properly develop the site and mitigate impacts. (AO No. 79-25; AO No. 85-91, 10-1-85; AO No. 88-8, 5-6-88; AO No. 93-5; AO No. 93-158, § 1, 11-9-93)

**Cross reference**—Anchorage Memorial Park, ch. 25.60.

#### **21.50.150 Conditional use standards—Child care centers.**

The following requirements shall apply to child care centers, when such facilities are permitted by conditional use:

- A. Child care centers shall meet the standards of the supplementary district regulations, in addition to any requirements imposed by the conditional use. Addi-

tional restrictions as to the size of the use, hours of operation or other use restrictions may be required to meet the conditional use standards to ensure compatibility with the neighborhood.

- B. *Maximum lot coverage.* The maximum lot coverage by all structures shall be in accordance with the zoning district in which the institution is established, except a minimum of 25 percent of the lot shall remain as open area, to include landscaping, natural vegetation, or useable yard. The open area calculation shall not include buildings, driveways, parking areas, sidewalks, or similar structures, unless the planning and zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.
- C. *Yard requirements.* The planning and zoning commission may alter the minimum yards required by the underlying zoning district, except a use within a nonresidential district adjacent to a residential use or district shall provide a 15-foot yard between the two, planted with buffer landscaping meeting the standards in section 21.45.125.
- D. *Authority to impose different conditions.* Except as specifically limited in this section, different conditions may be imposed by the planning and zoning commission, if necessary, to properly develop the site and mitigate impacts.
- E. *Required submittals.* The following shall be provided with an application:
1. A copy of the application submitted for Municipal or State licensing, as applicable.
  2. Building elevations.
  3. Landscaping.
  4. Floor plans.
  5. Site plan and/or as-built survey.

6. Description of the program, including the services offered and the professional certification or licenses required to operate.
7. Other factors deemed relevant to the applicant or the director in review of the application.
8. Submittals described under section 21.15.030C. may also be required.

(AO No. 81-67(S); AO No. 85-187; AO No. 2005-185(S), § 34, 2-28-06)

**Cross reference**—Child care centers, ch. 16.55.

**21.50.160 Conditional use standards—Uses involving sale of alcoholic beverages.**

A. Unless exempt under subsection G, H or I of this section, any use that includes 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. Notwithstanding any other provision of this title to the contrary, a conditional use for uses involving the retail sale of alcoholic beverages shall only require the approval of the assembly. The provisions of section 21.15.005 which pertain to the notice and public hearing shall apply. Applications for a conditional use permit shall be submitted to the department of community planning and development within seven days after application is made to the State Alcoholic Beverage Control Board for issue or transfer of location of a liquor license. Applications shall contain a zoning map showing the proposed location. The assembly may promulgate regulations concerning the mandatory information to be submitted with the application for conditional use. The department of community planning and development shall prepare and submit an analysis and a list of all licenses located within a minimum of 1,000 feet of the proposed conditional use to the assembly on applications made for a conditional use permit addressing the conformity of the proposed application with this title and chapter 10.50. The department shall also submit a proposed resolution for assembly consideration in connection with

liquor license applications. In determining whether to grant, deny or impose conditions on a conditional use permit for the sale or service of alcoholic beverages under this section, the assembly shall not take into consideration the sum paid by any person to acquire the license for which a conditional use permit is requested. The assembly shall only approve the conditional use if the assembly finds the standards of section 21.50.020 have been met.

C. An application for a conditional use under this section that has been denied by the municipal assembly shall not be accepted for rehearing for a period of one year following such denial if the municipal clerk finds the proposed conditional use application is substantially the same as that denied by the assembly and if no substantially new evidence or change in circumstances has occurred. This subsection shall not apply to conditional use applications on file as of May 31, 1983. This subsection shall not apply to an application filed under assembly direction at a hearing at which a like application was considered. This subsection does not apply if the alcoholic beverage control board remands a case which was previously denied by the assembly.

D. The assembly may, in connection with approval of a conditional use permit under this section, impose such special terms and conditions or modify existing conditions governing operation of that license as are in the public interest, and are consistent with the purposes of this title.

1. Mandatory identification check as described in 10.50.035 shall be deemed in immediate effect as a condition of use for all package liquor store conditional use approvals in current use as of July 1, 2011, and shall be a mandatory condition for any package liquor store conditional use coming before the Assembly for approval thereafter.

E. Conditions of conditional use permits issued under this section are enforceable under the provisions of this title. The assembly may revoke a conditional use permit for failure to comply with conditions of the permit, provided a public hearing with notice to the owner affected is first held.

F. A copy of the conditions imposed by the assembly in connection with approval of a permit under this section shall be maintained on the premises involved at a location visible to the public.

G. Catering and special events permits, issued by the state alcoholic beverages control board, are exempt from the conditional use requirements, but shall meet title 10 requirements if held:

1. No more than 12 times in a calendar year at the same physical location; or
2. No more than 16 times a calendar year at the same physical location of a public cultural venue such as a zoo, museum, cultural center, and art house or gallery.

H. No modification of an existing conditional use for the retail sale or dispensing of alcoholic beverages shall be required for the first duplicate liquor license provided:

1. There is no increase in the square footage of the premise licensed for the retail sale or dispensing of alcoholic beverage; or,
2. If there is an increase in the square footage of the licensed premise, such increase is:
  - a. 500 square feet or less; or
  - b. Consists of a deck or other similar seasonal outdoor improvement of less than 500 square feet used less than five months in any calendar year.
3. If the size of the licensed premise is increased by 500 square feet or less, or is a temporary outdoor improvement, the licensed business shall file an administrative review application with the planning department, including a complete site plan. The administrative review standards include on-site parking requirements, and off site impacts, such as lighting, noise and traffic.

I. A restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is subject to the administrative site plan review standards in section 21.50.500, and exempt from the conditional use require-

ments of 21.50.160, provided the principal and accessory uses are permitted non-residential uses. Restaurant or eating place alcoholic beverage license use is not exempt from the standards in 21.50.020. Requirements imposed by the assembly when acting on the beer and wine license shall apply.

(GAAB 21.05.060; AO No. 77-355; AO No. 82-170; AO No. 85-21; AO No. 87-62; AO No. 93-143(S-3), § 1, 5-10-94; AO No. 2006-35, § 1, 3-14-06; AO No. 2007-121(S-1), § 14, 10-23-07; AO No. 2011-55(S-1), § 2, 7-1-11; AO No. 2012-118, § 1, 12-18-12)

**Cross references**—Assembly protests of alcoholic beverage establishment licenses, § 2.30.125; alcoholic beverages, ch. 10.50; consumption of alcoholic beverages in public places, § 25.10.090.

#### **21.50.170 Conditional use standards—Social service facility.**

A. *Authority to impose different conditions.* Except as specifically limited in this section, different conditions, such as restrictions as to the size of the use or hours of operation, may be imposed by the planning and zoning commission, if necessary, to properly develop the site, mitigate impacts, and ensure compatibility with the surrounding area.

B. *Yard requirements.* The planning and zoning commission may alter the minimum yards required by the underlying zoning district, except a use adjacent to a residential use or district shall provide a minimum 15-foot yard between the two, planted with visual enhancement landscaping meeting the standards in section 21.45.125. Landscaping is not required at vehicular and pedestrian ingress and egress points.

C. *Refuse containers and facilities.* Refuse containers and facilities on the petition site shall be screened as required by the supplementary district regulations (section 21.45.080X.4.f.), regardless of location of the refuse containers and facilities.

D. *Required submittals.* The following shall be provided with an application in addition to the general submittal requirements of section 21.15.030C.:

1. A copy of the application submitted for state licensing and a description of the

program, including the services offered and the professional certification or licenses required to operate.

2. Building elevations and floor plans.
3. Site plan and/or as-built survey, including landscaping.

(AO No. 96-131(S), § 4, 10-22-96; AO No. 2009-22, § 12, 4-14-09)

**21.50.200 General standards for site plan approval.**

The authority reviewing a site plan shall approve the site plan only if it finds that the site plan:

- A. Meets the criteria for its approval established under this title; and

- B. Will not have a permanent negative impact on those items listed in this subsection substantially greater than that anticipated from permitted development:
1. Pedestrian and vehicular traffic circulation and safety.
  2. The demand for and availability of public services and facilities.
  3. Noise, air, water or other forms of environmental pollution.
  4. The maintenance of compatible and efficient development patterns and land use intensities.

(AO No. 85-21)

#### 21.50.210 Cluster housing site plan review.

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 may provide subdivisions at a somewhat higher density than permitted by 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. Cluster housing developments may include single-family detached, semidetached and other forms of attached housing.

B. *General standards; platting.* A cluster housing development shall conform to the requirements of this section and to a site plan approved under section 21.15.030 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 until a final plat for the cluster housing development has been approved and filed in accordance with this title.

#### 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.

<i>Zoning District</i>	<i>Dwelling Units per Acre</i>	<i>Minimum Site Area (acres)</i>
R-1	5.0	2.5
R-1A	5.0	2.5
R-2A	10.0	1.5
R-2D	16.0	1.5
R-2M	19.0	1.5
R-3	20.0	1.0
R-4	24.0	1.0
R-5	5.0	2.5
R-5A	0.8	5.0
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 section 21.40.115.F	10.0
R-11	As provided in the Turnagain Arm Comprehensive Plan	5.0

D. *Review of housing type.* The preapplication submissions for a cluster housing development in the R-1 or R-1A use districts, more than 50 percent of whose dwelling units are attached, are subject to review and approval by the planning and zoning commission for compatibility with surrounding land use patterns.

E. *Maximum lot coverage.* Maximum lot coverage for areas other than common areas is as follows:

1. Two common walls per dwelling unit: 70 percent.

2. One common wall per dwelling unit: 50 percent.
3. All others: 40 percent.

F. *Minimum yard requirements.* Minimum yard requirements for zoning districts R-6, R-8, R-9 and R-10 shall be as follows:

1. Front yard: 25 feet.
2. Side yard: Ten feet.
3. Rear yard: 20 feet.

Minimum yard requirements for all other zoning districts not listed in this subsection 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.*

1. Development of the common area in accordance with an approved site plan and subdivision plat shall be guaranteed in accordance with chapter 21.87, pertaining to subdivision agreements.
2. All areas of the common area not devoted to buildings, structures, parking areas, courts, walkways, improved 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.
3. The space between and surrounding clusters is allocated to pedestrian circulation and open space.
4. Common open space.
  - a. In a cluster housing development at least 30 percent of the site area shall be common open space as defined under section 21.35. Environmentally sensitive features such as wetlands under section 21.05.115, natural drainage ways, steep slopes, ponds, lakes, creeks, streams and the like may be included in the computation of open space provided toward this requirement. Private

spaces, such as patios, decks, balconies, yards within individually owned lots and the like are not included in the definition of common open space.

- b. Of the required common open space at least 600 square feet per dwelling unit shall be provided as common usable open space within cluster subdivisions that are created with any lots less than 6,000 square feet in area.

5. Common usable open space:

- a. Shall have an area of not less than 2,500 square feet;
- b. Shall not be used for roads, parking facilities, driveways, storage, including the storing of snow, or service areas;
- c. Shall have no dimension that is less than 30 feet;
- d. Shall not include Type "A" or Type "B" wetlands. Water bodies may be permitted only if the area provides or substantially contributes to a recreation area;
- e. Shall be within a distance of 1,000 feet from every lot within the cluster subdivision;
- f. Shall have a slope equal to or less than five percent when the usable open space has an area of 10,000 square feet or less. A common usable open space area greater than 10,000 square feet in size may have slopes exceeding 15 percent on no more than ten percent of the usable open space, unless the platting authority finds that a greater slope is consistent with the intent of this section;
- g. Except as provided in subsection d., shall be drained to carry away storm and seepage water; and
- h. May be retained as natural vegetation. Improvements may include seeding with lawn grass or other seed mix approved by the planning department with an established access to a

source of water for maintenance. Improvements may also include pavement or other appropriate surfaces or complementary structures to allow for active outdoor recreation uses.

6. Site plan. A conceptual site plan for the common open space shall be submitted with the preliminary plat.

H. *Homeowners' association.*

1. A homeowners' association shall be established for all cluster housing developments. All owners of property within the cluster housing development shall automatically become members of the homeowners' association.
2. Any declaration under the Horizontal Property Regimes Act, common wall agreements, declaration of covenants, conditions and restrictions and homeowner 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 the department of community planning and development.
3. The responsibility for the operation and maintenance of the common area facilities shall reside with the homeowners' association.

I. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a right-of-way designated for collector or greater capacity on the official streets and highways plan. The landscaping shall be maintained by the property owner or his designee.

(AO No. 82-54; AO No. 83-52; AO No. 84-34; AO No. 85-18; AO No. 85-19; AO No. 85-21; AO No. 85-91, 10-1-85; AO No. 86-19; AO No. 90-123; AO No. 2001-79(S), § 2, 5-8-01)

**Editor's note**—Subsection G.4 of this section was formerly codified in the 1977 Code as the second sentence of subsection 21.35.020.B.22.

**21.50.220 Conditional use standards—  
Drive-in banks.**

A. *Traffic access.* A drive-in bank except in the B-2B (central business district intermediate) and B-2C (central business district periphery) shall be

located only on a site that has direct frontage to a street which is designated as a class I or greater in the official streets and highways plan.

B. *Vehicular access lanes.* Each vehicular access lane to a service station at a drive-in bank shall meet the following design standards:

1. Each lane shall be no less than ten feet wide except at the service station customer access point.
2. Each lane shall be no less than 100 feet in length measured from the center of the service station customer access point, however, in no case shall the drive-in bank be required to provide queuing space in excess of 20 vehicles excluding the service stations. Each queuing vehicle space shall be 20 feet in length.
3. Each lane shall be designed so that vehicles waiting to use a station shall not protrude into an alley, driveway or public right-of-way.

C. *Paving.* All parking areas, driveways and vehicular access lanes associated with a drive-in bank shall be paved.

D. *Drainage plan.* The drainage plan for the site of a drive-in bank shall be shown on the site plan. A drainage plan which carries water off the site shall avoid excessive runoff from the site to adjoining property and shall be subject to the approval of the public works department.

E. *Landscaping.* All areas on the site that are not devoted to use by structures, driveways, walkways, access lanes to service stations, parking or other authorized installations shall be landscaped as follows:

1. Buffer landscaping shall be planted along each lot line which abuts a residential use or district;
2. All areas devoted to parking or access lanes shall be visually screened by a wooden fence of a height no less than six feet or other screening structures and devices found to be equivalent and appropriate for the site by the planning and zoning commission; and

3. All other areas shall be planted with visual enhancement landscaping.

F. *Impact on adjacent uses.* A drive-in bank shall be designed so as to avoid an unreasonable increase of noise or air pollution for any adjacent residential use or district.

(AO No. 85-216; AO No. 97-59, § 1, 7-1-97; AO No. 98-111, § 1, 8-18-98)

### **21.50.230 Conditional use standards— Roominghouses.**

A. *Additional standards.* Any use as a roominghouse shall meet the standards of chapter 21.45, in addition to any requirements imposed by the conditional use permit.

B. *Landscaping.* All areas of the site not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping as defined in section 21.45.125.

C. *Maximum lot coverage.* Maximum lot coverage shall be that which is allowed for permitted uses in the zoning district where the site is located.

D. *Administrative permit.* Any use shall be subject to the requirements of the annual administrative permit issued in accordance with section 21.15.055.



E. *Maximum occupancy.* Occupancy per room shall conform to the Uniform Building Code occupancy load factor.

F. *Health permit.* Roominghouses having 25 persons or more shall be required to obtain a health permit in accordance with chapter 16.60, pertaining to food and food facilities, for the appropriate size food facility and to meet the requirements of a commercial kitchen.

(AO No. 88-171(S-1), 12-31-88)

**Cross references**—Business licenses and regulations, tit. 10; health, tit. 16.

### 21.50.270 Conditional use standards—Snow disposal sites.

Snow disposal sites shall be constructed in accordance with this section.

A. *Required submittals.* In addition to the requirements of section 21.15.030.C, the following information shall be provided with an application:

1. An evaluation of noise impacts on properties located within one-half mile of the site and used for a residence, library, hospital, nursing home, school or related institutional purpose shall be submitted. The analysis shall identify the projected or actual dB(A) level of the site upon the described noise sensitive uses. If any projected noise level, as measured at the lot lines of each such property, exceeds the standards stated in section 15.70.080.A, the analysis shall identify mitigation measures.
  2. A licensed professional engineer shall prepare a drainage and water quality plan. This plan shall analyze the effects of the snow disposal activity upon subsurface and surface water quality conditions and shall specify mitigation measures to reduce identified impacts.
  3. A dust and litter plan shall be prepared to identify a manner of dust control to be used between October 1 and April 30 of every calendar year
- and a manner of trash collection and removal from the site which shall have no impact upon adjacent uses.
4. The applicant shall provide an estimate of the amount of snow to be stored at the site, expressed in cubic yards and the average height of snow to be stored on the site.
  5. The applicant shall identify the area from which snow shall be collected for storage at the site.
  6. A description of the hours of operation shall be submitted.
  7. A description of the methods of illumination shall be submitted.
  8. Identification of one or more individuals who shall be responsible for enforcement of the noise, litter and dust control measures to be employed at the site shall be submitted.
- B. *Traffic access.* A site shall be located on or have direct access from a street of collector or greater capacity, as defined in the official streets and highways plan.
- C. *Minimum lot size.* The minimum lot size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission.
- D. *Maximum lot coverage.* The maximum lot coverage shall be that permitted in the zoning district, unless otherwise established by the planning and zoning commission.
- E. *Maximum height of structures.* The maximum height of structures shall be 25 feet.
- F. *Minimum yard requirement.* The minimum yard requirement shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to any other zoning district.
- G. *Screening fence or berm.* An earthen berm or a fence, each at least six feet high, shall be constructed within every yard adjacent to a public right-of-way or to a nonindus-

trial zoning district. The fence shall be constructed of masonry, wood or another material of an equivalent service life and quality. Visual enhancement landscaping, or another ground cover acceptable to the planning and zoning commission, shall be planted on the berm and within the area between the berm and the lot line for the site. The planning and zoning commission may require construction of a berm or fence within other yard areas in order to restrict casual access, to confine the operations within the site, to reduce noise and glare and to ensure compatibility of the operation with adjacent uses.

H. *Landscaping.* Landscaping shall be provided as follows:

1. *Visual enhancement landscaping.* Visual enhancement landscaping, as described in section 21.45.125.C.1, shall be planted on the berm required under subsection G of this section and between the berm and a lot line adjacent to a nonindustrial zoning district.
2. *Arterial landscaping.* Arterial landscaping, as described in section 21.45.125.C.4, shall be planted in yards adjacent to a public right-of-way.
3. *Other landscaping.* All areas not occupied by structures, driveways, parking or snow storage and disposal areas shall be planted with a ground cover approved by the planning and zoning commission.
4. *Maintenance.* The property owner shall maintain all landscaping in good condition.

I. *Parking.* Parking shall be provided at the site in accordance with the site plan approved by the planning and zoning commission under section 21.15.030.

J. *Illumination.* Illumination shall be provided at the site in accordance with the site plan approved by the planning and zoning commission under section 21.15.030.

K. *Drainage and water quality facilities.* Storm drainage and water quality facilities shall be provided in accordance with the site plan approved under section 21.15.030.

L. *Signs.* All requirements of section 21.45.160 related to commercial signs shall apply to a snow disposal site, except that signs shall have a maximum viewing area of 20 square feet.

M. *Noise levels.* Noise levels on the site shall not exceed the standards set forth in section 15.70.070.

N. *Authority to impose additional requirements.* Additional requirements may be imposed by the planning and zoning commission in order to mitigate the impacts of the snow disposal site operations on adjacent uses.

(AO No. 88-172)

Cross reference—Off-highway vehicles, ch. 9.42.

**21.50.280 Conditional use standards—Antennas, community interest and local interest towers.**

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

1. If the community interest or local interest tower or antenna fails to meet the supplementary district regulations, then a conditional use permit shall be required for the construction of a tower structure or the placement of an antenna.
2. Applications for conditional use permits under this Section shall be subject to the conditional use procedures and general standards, except as modified in this section.
3. In granting a conditional use permit, the planning and zoning commission may impose conditions to the extent the planning and zoning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure or antenna on adjoining properties.

4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
5. An applicant for a conditional use permit shall submit the information described in this Section and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.
7. An evaluation the tower structure or antennas compliance with supplementary district regulations.
8. A notarized statement by the applicant as to whether construction of the tower structure will accommodate collocation of additional antennas for future users.
9. A description of the suitability of the use of existing tower structures, other structures or alternative technology not requiring the use of tower structures or structures to provide the services to be provided through the use of the proposed new tower structure.

B. *Information required.* applicants for a conditional use permit for a tower structure shall submit the following information:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower structure, on-site land uses and zoning, adjacent land uses and zoning, comprehensive plan land use classification of the site and all properties within the applicable separation distances, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower structure and any other structures, topography, parking, and other information deemed by the director of community planning and development to be necessary to assess compliance with the standards.
2. Renderings or photographs depicting the antenna or tower structure in place sufficient to assess the visual impact on the surrounding neighborhood.
3. The distance between the proposed tower structure and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other tower structures within one mile shall be shown on a site plan or map. The applicant shall also identify the type of construction of the existing tower structure(s) and the owner/operator of the existing tower structure(s), if known.
5. A landscape plan showing specific landscape materials.
6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

10. evidence the applicant appeared before the community council representing the site.

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

1. Height of the proposed tower structure;
2. Proximity of the tower structure to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures.

**D. Availability of suitable existing tower structures, other structures, or alternative technology.**

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

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

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

1. Repairs and maintenance to the tower structure may be performed consistent with section 21.55.060.
2. The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in section 21.15.030.G and shall be considered a use contemplated within the original approved or de facto conditional use where:
  - a. The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices:
    1. Will serve the same user or successor entity under the original conditional use;
    2. Will serve the same general purpose as was served under the original conditional use;
    3. Is consistent with the original conditional use.

(AO No. 88-147(S-2); AO No. 90-111; AO No. 99-62, § 34, 5-11-99; AO No. 2000-71(S-3), § 3, 6-27-00)

**Editor's note**—It should be noted that § 4 of AO No. 2000-71(S-3), provides that "The planning and zoning commission shall review the terms of AO No. 2000-71(S-3) and advise the municipal assembly on any revisions required to maintain the effectiveness and intent of the ordinance as the result of changes and technology prior to January 1, 2003. This provision amends Section 38 of AO 99-62."

**Cross references**—Utilities, tit. 26; electric service, ch. 26.30; telecommunication services, ch. 26.60; Anchorage Telephone Utility, tit. 30.

**21.50.285 Conditional use standards—Roof  
mount satellite dishes in residen-  
tial districts. (Repealed)**

(AO No. 99-62, § 35, 5-11-99; AO No. 2005-175,  
§ 14, 1-10-06)

**Editor's note**—AO No. 2005-175, § 14, effective Jan. 10,  
2006, repealed § 21.50.285, which pertained to conditional use  
standards—Roof mount satellite dishes in residential dis-  
tricts. See also the Code Comparative Table.

**21.50.290 Conditional use standards—Marine commercial and marine industrial facilities.**

Conditional use applications for marine commercial and marine industrial facilities will meet the following performance standards:

1. An alternatives analysis must be submitted as part of the conditional use application which shows conformance to the water dependency or water-related definitions. The analysis must demonstrate the necessity of siting this use in the Marine Commercial Zone.
2. Food and beverage establishments must be shown to provide direct visual or physical public access to the waterfront.
3. Buildings must include special design considerations that enhance the relationship between the shoreline and the proposed site development.
4. Landscaping or other site amenities must be provided for those facilities providing direct visual or physical access to the inlet.

(AO No. 91-90(S))

**21.50.300 Conditional use standards—Incinerator facilities and thermal desorption units.**

A. Incinerator facilities which alter or destroy medical waste shall be permitted by conditional use as an accessory use to research institutes, hospitals, nursing or convalescent facilities, or other uses, for which the applicant shall have the burden of proof to demonstrate that the infectious waste incinerator is an accessory use.

B. Incinerator facilities and thermal desorption units shall meet the following separation distances from residential zoning districts, public, private and parochial academic elementary schools and high schools, or meet the supplemental requirements contained in subsection C.2 of this section:

1. Separation distances for thermal desorption units are as follows: Facilities with a rated capacity of under 100 tons per hour shall be 400 meters from the nearest emis-

sion source. Facilities with a rated capacity of 100 tons per hour or more shall meet the supplemental requirements contained in subsection C.2 of this section.

2. Separation distances for incinerator facilities are as follows:

Rated Capacity (lbs./hour)	Distance from Nearest Emission Source (meters)			
	400	700	1,000	1,200
Under 500	X			
500—1,000		X		
1,001—1,500			X	
1,501—2,000				X

Facilities with a rated capacity greater than 2,000 pounds per hour must meet supplemental requirements contained in subsection C.2 of this section.

C. In addition to the materials required by section 21.15.030.E, all applicants for a conditional use for an incinerator facility or thermal desorption unit shall submit the following:

1. The applicant must provide the following information pertaining to the proposed incineration process:
  - a. A description of the incineration operation, including equipment to be used.
  - b. The type and quantity of material that will be processed.
  - c. Operating hours and conditions.
  - d. Plans for storing the material to be burned.
  - e. A disposal plan for waste generated from the incineration process.
  - f. The location of points of vehicular access to the site and projected traffic counts for each.
  - g. A description of the permitting process required for operation of the incinerator.
  - h. Such other materials as the director of the department of community planning and development may require by regulation pursuant to chapter 3.40.

2. An analysis of the health risk of the incinerator or thermal desorption unit must be conducted for incinerators which do not meet the residential separation distances contained in subsection B of this section. The intent of the analysis is to provide information regarding the health risks of persons living close to the proposed incineration site. The municipality shall select a contractor to conduct the analysis and the cost will be billed to the petitioner. The analysis shall meet the following requirements:
    - a. The analysis shall utilize an EPA-approved dispersion model appropriate for the type of facility, and the given terrain, to estimate the ambient annual average concentration of contaminants from the facility. The model shall be run according to EPA modeling guidelines.
    - b. Models shall utilize a full year of local meteorological data (e.g., National Weather Service observations taken at the Anchorage International Airport). If several years worth of meteorological data are obtained, the year providing the highest ambient concentrations shall be used.
    - c. All emission factors used in conjunction with the model shall be documented. Acceptable emission factors may be obtained from either a source test conducted by the manufacturer of the same or similar model as the one proposed to be used or must reference a published report (e.g., an article in a peer review scientific journal or EPA publication).
    - d. The report shall describe the modeling results in terms of the annual concentration of each identified toxic compound at the boundary of the adjacent residential zoning districts as well as the location and magnitude of the maximum annual average concentrations found within each adjacent residential district.
    - e. The report shall also describe the health risks attributable to these concentrations levels based on the latest cancer risk values from the EPA's Integrated Risk Information System (IRIS) database. Cancer risks shall be based on the risk of one additional cancer above the background cancer rate per 100,000 individuals.
- D. Incinerators covered under this section shall not accept any materials that meets the definition of hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) or the state department of environmental conservation (ADEC).
  - E. The planning and zoning commission may approve a conditional use for an incinerator facility or thermal desorption unit that does not meet the residential separation distance requirement contained in subsection B of this section only if the commission finds that the use meets the following standards:
    1. As demonstrated by the submitted health risk analysis, the proposed activity will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending primary or secondary schools.
    2. The storage plan for the material to be burned and the waste generated by the incineration activity is adequate to prevent any runoff, groundwater contamination, airborne dust or other means for contaminants to migrate off the site.
  - F. Notwithstanding the requirements of subsection B of this section, no incinerator facility or thermal desorption unit shall be located less than 400 meters from a residentially zoned district, or primary or secondary school. No new incinerator facility or thermal desorption unit may be located less than 400 meters from existing incinerators or thermal desorption units unless:
    1. It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal desorption units, ex-

isting and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

$$\left( \frac{I_1 + I_2 + \dots + I_N}{500} + \frac{T_1 + T_2 + \dots + T_N}{100} \right) \times 100 = C$$

Where  $I_1 + I_2 + \dots + I_N$  is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 400 meters of the proposed facility, and  $T_1 + T_2 + \dots + T_N$  is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 400 meters of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity, or

2. It can be demonstrated, through the procedure described in subsection C.2 of this section, that the combined risk of all incinerators and thermal desorption units operating within 400 meters of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending primary or secondary schools.

G. The planning and zoning commission shall attach such conditions to the approval of a conditional use for an incinerator as it finds are necessary to conform the use to the standards set forth in subsection C of this section. These conditions shall also include the following conditions:

1. All conditional uses granted under this subsection are subject to revocation if the planning and zoning commission determines, based on a recommendation by the municipal department of health and human services, that the operator of the incinerator failed to operate according to the specifications shown in the plans approved by the planning and zoning commission or operate in conformance with the state department of environmental conservation or municipal air quality regulations. In order to determine whether or not this condition is met, the director of the municipal health and human services

department shall have authority to require monitoring for compliance with the conditional use permit and to annually obtain copies of the operator's monitoring or testing records.

2. The petitioner shall obtain all applicable permits from the U.S. Environmental Protection Agency, state department of environmental conservation, and municipal department of health and human services.

(AO No. 93-148, § 5, 11-16-93)

### **21.50.305 Conditional use standards—Large domestic animal facilities.**

In addition to the standards of section 21.50.020, the approval of a conditional use application for a large domestic animal facility not meeting the supplementary district regulations for site area or lot coverage or has a greater number of large animals than specified in 21.45.350 shall meet these requirements.

- A. *Maximum height* shall be that of the underlying district and section 21.65.050.
- B. *Traffic access.* Traffic access shall be from a street constructed to standards found by the traffic engineer to be appropriate to the intensity of use proposed.
- C. *Licensing.* The large domestic animal facility shall comply with licensing and other laws concerning the keeping of animals as set forth in Title 15 and Title 17.
- D. *Environmental protection.* The uses shall meet the requirements of chapter 15.20 regarding animal waste; chapter 15.50 concerning watershed district regulations; section 15.55.060b concerning separation requirements from water supply wells; and section 21.45.210 concerning stream protection setbacks.
- E. *Parking standards.* In the event arena seating is provided, the required parking shall be one space per every four seats, or one parking space per stall, whichever is greater.
- F. *Lot coverage.* Lot coverage shall be that of the underlying zoning district unless the



planning and zoning commission allows additional lot coverage above the maximum allowed in the district, not to exceed a ten percent.

- G. *Additional conditions.* The planning and zoning commission may impose additional conditions upon the final approval, necessary to conform the conditional use or site plan to the standards for its approval, or enforce development in accordance with the final approval. This includes, but is not limited to, further restrictions regarding lot coverage or setbacks.

(AO No. 2005-150(S-1), § 12, 2-28-06)

### **21.50.310 Standards for motorized sports facilities.**

Motorized sports facilities shall be constructed in accordance with this section.

- A. In addition to the information required by section 21.15.030, the applicant shall:
1. Prepare a site selection analysis in accordance with the requirements of section 21.15.015.
  2. Prepare an evaluation of noise impacts on properties located within one mile of the motorized sports facility and used for residential, library, hospital, school, professional office or nursing home or related institutional purposes. The analysis shall identify the projected or actual dBA levels on each such noise sensitive use. If the projected or actual noise level exceeds the standards set at section 15.70.080.A., the analysis shall identify mitigation measures.
  3. Prepare a traffic impact analysis for a motorized sports facility. This analysis shall include a traffic management plan which identifies potential street closures, changes in traffic flow and personnel who will operate that plan.
- B. The minimum lot size shall be that permitted within the zoning district to which the motorized sports facility is assigned or as otherwise authorized by the planning and zoning commission.
- C. The maximum lot coverage shall be that permitted within the zoning district to which the motorized sports facility is assigned or as otherwise authorized by the planning and zoning commission.
- D. The planning and zoning commission may designate minimum yard areas around the perimeter of the site as it deems necessary to minimize glare and noise impact on adjacent uses, to separate incompatible uses and to restrict casual access to the site.
- E. Landscaping shall be provided on the site as follows:
1. Screening landscaping, as described in section 21.45.125, shall be planted along the length of each lot line which abuts a residential zoning district.
4. Hours of operation shall be 7:00 a.m. to 10:00 p.m. Monday through Saturday and 12:00 p.m. to 10:00 p.m. on Sunday.
  5. Describe the methods of illumination.
  6. Prepare a dust and litter control plan and describe the methods to be used to collect trash on the site.
  7. Prepare an operation plan to monitor and enforce:
    - a. Prohibition on consumption of alcoholic beverage on the premises; and
    - b. Mandatory transportation of racing machines to the site;
  8. Identify one or more individuals who shall be responsible for enforcement of the litter, noise, operation and dust control plans developed pursuant to this section.

2. All areas not used for improvements related to the functions of a motorized sports facility shall be planted with visual enhancement landscaping pursuant to section 21.45.125 or to some other ground cover acceptable to the commission.
  3. All landscaping shall be maintained in good condition by the property owner.
  4. The planning and zoning commission may find that a site located in a rural area meets the requirements of this subsection when the existing vegetation on that site effectively screens the motorized sports facility from adjacent uses and extends to all areas of the site not improved for use as parking, driveways, streets, buildings or otherwise.
- F. In order to prevent causal access to and from the site or to mitigate adverse effects of the motorized sports facility upon adjacent uses, the planning and zoning commission may require the enclosure of the entire site by a fence at least six feet high and made of wood, masonry or another material of equivalent quality and service life, by screening landscaping, as described in section 21.45.125, or by both such fence and landscaping.
- G. The maximum height of structures shall be 35 feet.
- H. Illumination shall be provided in the manner prescribed in section 21.45.080 and the plan submitted pursuant to subsection A.5. of this section.
- I. A site drainage plan shall be prepared and storm drainage facilities shall be constructed in accordance with it and with the requirements of section 21.45.230. An erosion and sediment control plan for the period of site grading and facility construction shall also be provided and all work shall be performed accordingly.
- J. Refuse containers and other trash facilities shall be enclosed by a fence on at least three sides in the manner prescribed by section 21.45.080.
- K. Parking shall be provided as required by section 21.45.080 and in a manner which is consistent with the results of the parking analysis provided under subsection A.3. of this section.

- L. Noise generated at the site shall not exceed the standards established by section 15.70.080.
- M. Public sanitation facilities (restrooms) shall be provided on-site and operated in a manner consistent with section 15.20.020.
- N. The planning and zoning commission may impose such other requirements it finds necessary to mitigate adverse impacts of a motorized sports facility on adjacent uses.
- O. The planning and zoning commission shall after one year of operation and at five-year intervals thereafter hold a public hearing to evaluate the community's interest in the continued operation of the motorized sports facility. The planning and zoning commission shall annually review any complaints received and the performance of the motorized sports facility in complying with regulations and any conditions applied by the commission. The municipality shall notify the facility operator in writing of the nature of all complaints within 21 days of receipt.

(AO No. 96-68, § 2, 5-28-96)

**21.50.320 Public hearing site plan review—  
Large retail establishment.**

A. *Intent.* The standards in this section promote architectural variety, compatible scale, access amenities, and mitigation of negative impacts. These standards govern site plan review by the planning and zoning commission for large retail establishments. Where these standards conflict with other provisions of this title, these standards and the terms of site plans approved under this section shall govern.

B. *Vehicular access.* Primary vehicular access shall be from a street designated collector or greater on the official streets and highways plan. Secondary vehicular access may be from a street designated less than a collector on the Official Streets and Highways Plan, provided the applicant demonstrates that any traffic and visual impacts on adjacent residential and commercial areas are sufficiently minimized.

C. *Traffic Impacts.* The applicant shall have a professional entity perform a Traffic Impact Analysis (TIA) and traffic mitigation measures for approval by the commission.

D. *Drainage.* A site drainage and grading plan shall be submitted and approved as required by this Code along with the site plan.

E. *Visual and noise buffers.* The large retail establishment shall provide a landscape plan that provides acceptable visual and noise buffers, including at least 25-foot wide buffer landscaping, to separate the commercial development from abutting residentially-zoned areas.

F. *Outdoor storage or display areas.* Products stored or displayed outside shall not be visible from abutting R-zoned property. Areas for the outdoor storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. The height of stored materials shall not exceed the height of the screening wall or fence. Materials, colors, and the design of screening walls and/or fences and their covers shall be complementary to those used as predominant materials and colors on the building. Commercial trailers, shipping containers, and similar equipment used for transporting merchandise, shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes.

G. *Trash collection and recycling.* Trash handling and recycling shall be screened from public streets and pedestrian ways, internal pedestrian sidewalks, and adjacent R-zoned property by landscaping or architectural features in conformity with the external design and materials used by the establishment. Screening shall be designed to abate noise and to confine loose trash. The commission may limit hours of trash collection as necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.

H. *Snow storage or removal.* A plan for snow storage or removal from the site shall be submitted and approved. Use of sidewalks for snow storage shall be prohibited. Use of landscaped areas for snow storage may be allowed under the approved snow storage landscaping plan. The

commission may impose such restrictions on snow removal operations as are necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.

**I. *Parking.*** A detailed parking plan shall address the convenience and safety of patrons, adequate winter lighting, and landscaping amenities and the configuration of parking spaces, walkways, and other amenities. Aesthetic features, landscaping, and the design of parking areas shall, wherever practicable, reduce the appearance of large expanses of parking from neighboring streets and enhance the view of the establishment from its principal point(s) of access. The number and configuration of parking spaces may be determined by the commission as necessary to achieve these standards. Additional landscaping and community spaces may be required where the applicant wishes to provide parking that exceeds the minimum standards of this title. The site shall not allow storage or overnight camping of trailers or recreational vehicles.

**J. *Pedestrian access.*** The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians, customers and employees. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, adjacent transit stops, and abutting residential and commercial areas. Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot. Sufficient sidewalks or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passage. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage and to provide a buffer for pedestrians from vehicular traffic.

**K. *Community spaces.*** Appropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax.

**L. *Delivery and loading spaces.*** Delivery and loading operations shall be designed and located to mitigate visual and noise impacts on adjacent R-zoned property or commercial areas. The commission may limit hours of delivery and loading

as necessary to reduce the effects of noise or traffic on surrounding residential and commercial areas.

**M. *Exterior signs.*** An exterior sign plan which respects the needs of the establishment to establish its location as well as the higher aesthetic aspirations of the community in general and the immediately surrounding areas shall be submitted for approval. Signs shall be architecturally treated to compliment the building architecture. Pole signs, rotating signs, and flashing signs shall be prohibited.

**N. *Outdoor lighting.*** A photometric and outdoor lighting plan to mitigate negative impacts on adjacent uses shall be submitted for approval.

**O. *Northern design elements.*** The commission may require the provision of design elements that address Anchorage's distinct geography, low light angles, length of days, cold temperatures, wind, snow and ice.

**P. *Aesthetic characteristics.***

1. ***Facades and exterior walls, including side and back walls.*** The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls shall be broken up with projections or recessions. Along any public street frontage, the building design should include windows, arcades, or overhangs along at least 60 percent of the building length. When appropriate, architectural treatment, similar to that provided to the front face, shall be provided on the sides and rear of the building to mitigate any negative view from abutting properties and/or streets. The site plan shall ensure buildings have complexity at street level with human scale by providing features such as changes in building form at entrances, and providing windows, enhanced trim and architectural detail.
2. ***Detail features.*** The design shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive scale effect by break-

- ing up the building wall, front, side, or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.
3. *Roofs.* The roof design shall provide variations in roof lines and heights to add interest to, and reduce the massive scale of, large buildings. Parapet walls shall be architecturally treated to avoid a plain or monotonous style.
  4. *Materials and colors.* The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall site plan. Construction material shall provide color, texture and scale.
  5. *Entryways.* Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather.
  6. *Screening of mechanical equipment.* Roof or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. Ground-mounted mechanical equipment shall be screened. The screen shall be of such material and be of sufficient height to block the view and noise of the equipment.
- Q. The planning and zoning commission shall schedule a meeting to act on an application within 90 days after receipt of a "complete" application.
- R. If a large retail establishment is located on a commercial tract, the site plan for the large retail establishment shall include, and govern the improvement of, the entire commercial tract.
- S. Use of the parking lot for the display and sale of new and/or used vehicles is permitted and is not subject to subsection F of this section. Such use shall comply with the following requirements:
1. The vehicle display area shall be shown on the large retail establishment site plan.
  2. The vehicle display area shall not occupy required parking or landscaping areas. The vehicle display area may occupy required snow storage areas only from May 1 through September 30.
  3. The vehicle display area shall comply with subsection I of this section. The vehicle display area shall not adversely impact vehicular or pedestrian circulation within the parking lot or access to the parking lot.
  4. No building shall be erected in the vehicle display area. Any area used for a temporary office shall be shown on the large retail establishment site plan.
- (AO No. 2001-80, § 11, 5-8-01; AO No. 2002-60, § 6, 7-16-02; AO No. 2005-96, § 1, 10-11-05)
- Editor's note**—The intent of AO No. 2001-80 as amended is to provide guidelines that will be applied uniformly to all applicants to the extent possible. See AO No. 2001-80, § 11. Subsection M. made effective June 19, 2001, by AO No. 2001-111.
- 21.50.400 Conditional use standards—Vehicle storage yards.**
- The following standards shall apply to vehicle storage yards:
- A. *Yard requirements.* The planning and zoning commission may specify yard requirements greater than required by the underlying zoning district as necessary to reduce or eliminate negative impacts on surrounding properties and land uses.
  - B. *Landscaping.*
    1. No landscaping shall be required where a lot line abuts an industrially zoned district, or on the portion of site boundaries where a structure, excluding connexes, abuts either side of the lot line, unless otherwise required by this title, or by the Commission.
    2. Except as otherwise required by law, all site obscuring fence structures shall be at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding connexes, abuts ei-

ther side of the lot line. The design of the sight-obscuring fence structure shall be approved and specified by the planning and zoning commission. The sight-obscuring fence structure shall be architecturally compatible with the surrounding properties. All portions of the fence structure that are visible to the public, adjacent to a protected creek under section 21.45.210, or plainly visible to adjacent residential neighbors shall be of a sight-obscuring nature, be compatible with the surrounding property, and be constructed of concrete, solid wood or chain link with a neutral color fabric screening or vinyl covering. The fence structure shall be maintained in a safe, sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Security wire, such as concertina or razor wire and barbed wire is permitted, but only if inverted inside the fence with posted and maintained prominent warning signs for the fencing, or with a maximum of at least one foot of the wire material exposed and visible outside the fence. Outside storage, including vehicles, shall not be visible from outside the fence from abutting lots or streets. This subsection shall supercede the requirements of subsection 21.45.290B.2.

- C. If permitted in conjunction with a ministorage facility, the standards of this section shall govern.
- D. *Financial guarantees.* The planning and zoning commission may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.87.030.

(AO. No. 2004-108(S), § 9, 10-26-04)

#### **21.50.410 Conditional use standards—Shooting range, outdoor.**

The following standards shall apply to outdoor shooting ranges:

- A. *Site size.* The minimum site size shall be 20 acres.
- B. *Setbacks.* All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. Buildings located behind the firing line are allowed to be located to the normal zone setback.
- C. *Shooting area.* The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. Casual access into the line of fire shall be prevented through fencing or some equally effective equivalent.
- D. *On-site uses.* An accessory retail store, snack shop, ammunition storage, and/or short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.
- E. *Noise impact analysis.* A noise impact analysis with a noise map based on the types of firing and layout of the range shall be submitted as part of the conditional use application.

(AO No. 2008-80, § 3, 9-16-08)

#### **21.50.450 Conditional use standards—Containerized storage units in conjunction with vehicle-storage facilities.**

The following standards shall apply to the use of containerized storage units in conjunction with permitted vehicle storage facilities:

- A. A containerized storage unit shall be a factory built shipping container.
- B. Containerized Storage Units may be utilized for storage, provided the units are limited to one unit in height (no stacking), have uniform roll up doors or swing doors, complimentary and uniform exterior facade materials and colors.

- C. A containerized storage unit shall be subject to the requirements for any required permitting, as set forth in the Code.  
(AO. No. 2004-108(S), § 10, 10-26-04)

**21.50.460 Conditional use standards—Towers, high voltage transmission.**

A. In addition to the standards in section 21.45.300, the approval of a conditional use application for transmission tower(s) exceeding the permitted height limit shall:

1. Determine proposed height of the tower(s) is the minimum required to meet safety requirements, future load projections, or terrain. It is understood, however, utilities must construct facilities in compliance with the National Electric Safety Code;
2. Identify the impact on any scenic view sheds and, if necessary, apply mitigation measures through changes to tower design, tower color, and landscaping at the tower location to reduce negative impacts; and
3. Identify the aesthetic impact and relation of scale of the tower to abutting development and, if necessary, apply mitigation measures through changes to tower design, tower color, and landscaping at the tower location to reduce negative impacts.

(AO No. 2006-064(S-1), § 5, 12-12-06)

**21.50.470 Small wind energy conversion systems—Multiple free-standing towers.**

A. *Purpose.* The purpose of this section is to provide standards for multiple free-standing small WECS in industrial districts and in the PLI district.

B. *Submittal requirements.* Multiple free-standing small WECS in industrial districts and in the PLI districts shall provide the minimum application information required by section 21.50.480 B.

C. *Maximum number of WECS.* No more than three WECS shall be allowed on any one lot. Adjoining lots under the same ownership shall be treated as one lot for purposes of this limitation.

D. *Standards.* Multiple free-standing small WECS shall meet the standards of section 21.45.410F.

E. *Abandoned or unsafe wind energy conversion systems.* Any system that is not operated for a continuous period of 12 months shall be considered abandoned and shall be dismantled and removed from the property at the expense of the property owner.

(AO No. 2010-50(S), § 28, 8-31-10)

**21.50.480 Utility wind energy conversion systems.**

A. *Purpose.* The purpose of this section is to provide standards for utility scale wind energy conversion systems (WECS) generally utilizing multiple towers designed to produce electric power as a public or private utility.

B. *Submittal requirements.* In addition to the minimum application information set forth in section 21.15.030C., the following shall be provided:

1. For each WECS model proposed, the make, model, an illustrative photograph or brochure, manufacturer's specifications including noise decibels data for the proposed WECS, and drawings of the support structure stamped by a structural engineer registered in the State of Alaska.
2. Elevation drawing of each WECS model showing total height, turbine dimensions, tower and turbine colors, distance between ground and lowest point of any blade, and if proposed, the location of ladders, climbing pegs, and access doors.
3. An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.
4. An analysis of impacts on local wildlife shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Wildlife impacts to be considered shall include, at a minimum, anticipated impacts on birds.

5. If any habitable building is located within 1,300 feet of any proposed utility WECS unit, then the applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECS and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with habitable buildings and describe measures that shall be taken to eliminate or mitigate the problems. The applicant has the burden of proving that shadow flicker will not negatively impact neighboring uses.
6. Applications shall include a visual impact analysis of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
7. A noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document projected noise levels at property lines. The noise analysis shall include low frequency noise.

C. *Height.* The height as measured from grade to the highest point of the fully operational system, including the turbine vane(s), shall not exceed 450 feet in the AF, W, T, and PLI zoning districts, or 200 feet in any other district in which a utility WECS may be approved. A utility WECS shall not interfere with Federal Aviation Administration Regulations in the vicinity of an airport. In no case shall the height exceed manufacturer's specifications.

D. *Blade or vane clearance.* Lowest point of moving elements, such as blades or vanes, shall be at least 30 feet above grade.

E. *Setbacks.*

1. All WECS shall setback from all residential property lines at least 3.0 times the height of system, and from all nonresidential property lines a minimum of 2.0 times the height of the system.
2. All systems shall be at least 325 feet from any telecommunications towers.
3. The tower shall maintain a minimum separation distance equal to 1.1 times the height of system from all overhead power and telecommunication lines.

F. *Design standards.*

1. Except for short-term high wind speed events such as storms, operational noise shall not exceed 50 dBH at any property line adjacent to a residential zoning district, and 60 dBH at any property line adjacent to a nonresidential zoning district.
2. The rotating turbine shall not produce vibrations that are humanly perceptible beyond the property lines of the site.
3. Lattice type towers and towers using guy wires are prohibited.
4. All power transmission and telemetry lines from the tower to any building or other structure shall be placed underground, unless otherwise allowed by the planning and zoning commission.
5. No tower shall be illuminated unless required by a state or federal agency, such as the FAA.
6. All structures in a project shall be finished in a single, non-reflective, matte finished, neutral color.
7. No commercial or noncommercial advertisements, signs, or other messages shall be placed or painted on the tower, rotor, generator or tail vane, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner, as approved by the planning and zoning commission.



8. WECS structure shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked. No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure. A fence with a locking portal may be required by the planning and zoning commission to enclose the entire WECS tower site.

G. *Abandoned or unsafe wind energy conversion systems.* Any system that is not operated for a continuous period of 12 months shall be considered abandoned and shall be dismantled and removed from the property at the expense of the property owner.

(AO No. 2010-50(S), § 28, 8-31-10)

**21.50.500 Site plan review standards—Restaurant or eating place alcoholic beverage license use.**

A. *Administrative site plan review.*

1. *Restaurant or eating place alcoholic beverage license use standards.* A restaurant or eating place licensed by the State Alcoholic Beverages Control Board to sell beer and wine for consumption only on the licensed premises is exempt from the conditional use requirements of 21.50.160 and may be reviewed under this section, provided the principal and accessory uses are permitted non-residential uses. The standards in 21.50.020 shall apply. Requirements imposed by the assembly when acting on the beer and wine license shall apply. Administrative review under this section is available only after assembly approval of the restaurant or eating place license for beer and wine.
2. *Application.* The applicant shall submit a site plan for approval by the director of planning or the director's designee. The site plan shall demonstrate that the standards in 21.50.020 are met and requirements imposed by the assembly when acting on the beer and wine license are satisfied.

3. *Procedure for approval.* The director or designee shall take action on the site plan within 45 days of the site plan application submission date, provided that no approval shall be issued under this section until after the assembly has approved the restaurant or eating place license for beer or wine. Within ten days of receipt of the application and at least 30 days before taking action under this section, the director or designee shall publish notice of the application in a newspaper of general circulation in the municipality and invite public comment. The notice shall state the names of the applicants and the legal description of the land subject to the application. Such notice, including a map of the vicinity, shall be provided to any officially recognized community council whose boundary encompasses the petition site and to owners of property within 500 feet of the proposed site.

4. *Appeals.* A decision of the director of community planning and development or the director's designee under this section is final unless appealed within 15 days to the assembly. An appeal may be filed by the applicant or by a petition of at least one-third of the owners of the privately owned land (excluding rights-of-way) within 500 feet of the outer boundary of the petition site. If an appeal is filed timely, the assembly shall hold a public hearing, in accordance with section 21.15.005, at its next available meeting and apply the standards of this section. An appeal from a decision of the assembly may be brought in accordance with section 21.30.010.B.

(AO No. 2007-121(S-1), § 15, 10-23-07)

**21.50.510 Conditional use standards—Severe alcohol dependent housing.**

A. Unless waived or reduced by the planning and zoning commission, the lot line for a severe alcohol dependent housing use shall not be located within the following distances of the lot line of the following uses:

1. Two thousand five hundred feet from another severe alcohol dependent housing use.

2. Five hundred feet from a school.
3. Five hundred feet from a child care center.
4. Five hundred feet from a public park.

If the commission waives or reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based.

B. On-site services shall be for residents of the facility only.

C. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious within other buildings in the neighborhood.

D. If required by the planning and zoning commission, an appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

E. The operator shall submit a management plan for the facility and a floor plan showing all uses and services, including any sleeping areas/rooms and/or residential dwelling or units. The management plan shall also include provisions regarding operations, on-site staffing, rules and regulations for tenants including hours for and number of guests per client at one time, methods to manage impacts on the adjacent neighborhoods, an outreach requirement to the surrounding area, provision of staff contact names and numbers to the local community council and surrounding neighbors, and other such items determined by the commission to lessen the potential impacts on adjacent residents and businesses. The management plan shall demonstrate that local community councils have been provided the opportunity to review and comment on the management plan, before hearing by the commission. Any group rehabilitation provided shall only be for residents of the facility, and shall not be a primary use of the facility, and shall not be a requirement of residency in the facility. Such group rehabilitation shall be described within the management plan for the facility. Once accepted,

the provisions of the management plan shall be deemed incorporated as continuing conditions of use.

F. The lot shall abut a street designated as a class I collector or greater on the Official Streets and Highways Plan.

G. On a three-year cycle from the date of approval of the conditional use, the operator shall schedule a non-public hearing before the planning and zoning commission to discuss the effectiveness of management and the management plan in addressing public concerns and lessening potential and observed negative impact on the neighborhood. If significant concerns are not being met, the planning and zoning commission may require a public hearing. The planning and zoning commission may require revisions to the management plan, with or without public hearing. It is the responsibility of the operator to ensure that a non-public hearing is held with the commission at least once every three years (36 months) during operation under the conditional use.

(AO No. 2010-3, § 10, 3-23-10)

## Chapter 21.55

### NONCONFORMING USES\*

21.55.010	Intent.
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21.55.110	Continuity of prior conditional uses and variances.
21.55.120	Government agency property acquisitions.
21.55.130	Large retail establishments.
21.55.140	Self storage and vehicle storage operations.

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\*Cross reference—Fines, § 14.60.030.

**21.55.010 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 amendments. 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, or 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 a structure, or a nonconforming use of a structure and land in combination, shall not be extended or enlarged after the passage of the ordinance from which this chapter is derived 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. For purposes of this section, actual construction is 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 21.05.070.A)

**21.55.020 Nonconforming lots of record.**

A. In any zoning district in which dwellings are permitted, notwithstanding limitations imposed by other provisions of chapters 21.35 through

21.50, dwellings and customary accessory buildings may be erected on any lot, provided the underlying zoning district and supplementary district standards such as setbacks, parking, useable yard, landscaping, etc. can be met, which is of record at the effective date of the original adoption or amendment of applicable regulations, except as restricted in subsection C of this section. 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 and lot coverage 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. A lot which fails to be conforming in any zone shall maintain a front yard of 20 feet, side yards of five feet, a rear yard of five feet, and a maximum lot coverage of 50 percent.

B. Legalization of lots created prior to September 16, 1975.

1. Lots existing prior to September 16, 1975, may continue in existence provided the following requirements are met:
  - a. An application for the registration of nonconforming lot is submitted to the planning department; and
  - b. The lot is determined to be sufficient in size to allow construction of a structure and associated zoning district and supplementary district standards such as setbacks, parking, landscaping, useable yard area, etc. can be met.
2. Procedures for registration. Application for the registration of a nonconforming lot shall be submitted to the planning department. This application shall be on a form provided by the department, which will require an as-built drawn by a land surveyor registered in the State of Alaska, which shows boundaries on the lot.
  - a. The municipality may require the petitioner to provide additional information to support this application.

- b. Within 30 days of receipt of all requested information and upon an adequate showing that the requirements stated in subsection 1. are met, the director or his/her designee shall issue or deny a certificate for the lot. The director may impose such conditions on the certificate as he/she may determine are appropriate to protect the general welfare. A copy of the required as-built shall be attached thereto.
- c. Once registered, the lot shall enjoy all the protections and privileges afforded to a nonconforming lot under the provisions of this chapter.
- d. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals within 30 days of the director's determination.
- e. Nothing in this section shall preclude relief for nonconforming lots by means of a variance.

C. If two or more abutting lots in single ownership and containing less than 5,500 square feet of area in any one lot are of record on or after November 27, 1990, 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 individually after being developed under this provision.

D. Nonconforming lots of record which are subsequently resubdivided to combine two or more lots shall be considered a legal nonconforming lot at the time of recordation, when the new lot does not meet dimensional requirements of the zoning district or those requirements of 21.80 at the time of replat.

E. The planning department shall publish the registration of a non conforming lot including the street address and legal description of the property within seven days of the registration. (GAAB 21.05.070.B; AO No. 85-90; AO No. 86-175; AO No. 90-138; AO No. 2004-133(S), § 1,

12-7-04; AO No. 2005-67(S), § 1, 6-28-05; AO No. 2006-150, § 1, 11-14-06; AO 2009-134, § 1, 1-12-10)

#### **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 or 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 21.05.070.C)

#### **21.55.040 Nonconforming structures.**

A. 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:

1. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
  2. Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
  3. 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.
  4. 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.
- B. Notwithstanding subsections A.1. through A.4. of this section, 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.
- C. Notwithstanding subsections A.1. through A.4. of this section, community interest and local interest towers may be repaired and maintained in accordance with 21.55.060 B. of this chapter.
- D. Legalization of nonconforming dimensional yard setback encroachments.
1. Existing structures with dimensional encroachments into required yards which were constructed prior to January 1, 1986, may continue in existence provided the following requirements are met:
    - a. an application for the registration of nonconforming encroachment is submitted to the office of planning, development and public works; and
    - b. the encroachment is determined not to be a life safety hazard by the executive director of the office of planning, development and public works or his/her designee.
  2. Procedures for registration. Application for the registration of nonconforming encroachment shall be submitted to the office of Planning, development and public works. This application shall be on a form provided by the office of planning, development and public works, which will require an as-built drawn by a land surveyor registered in the State of Alaska, which shows all structures on the lot at the date of application, as well as information supporting the assertion that the structure and encroachments were constructed prior to January 1, 1986. The municipality may require the petitioner to provide additional information to support this application.
    - a. The executive director of the office of planning, development and public works, or his/her duly appointed designee, shall review the encroachment to determine conformance with applicable municipal code in existence at the time of construction.
    - b. Within 30 days of receipt of all requested information and upon an adequate showing that the requirements stated in subsection 1. are met, the director or his/her designee shall issue or deny a certificate permitting the continued use and existence of the encroachment. The director may impose such conditions on the certificate as he/she may determine are appropriate to protect the general welfare. The certificate shall note the size and characteristic of the yard encroachment and the structure. A copy of the required as-built shall be attached thereto.
  3. Once registered, the encroachment shall enjoy all the protections and privileges afforded to a nonconforming structure under the provisions of this chapter.

4. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals.

(GAAB 21.05.070.D; AO No. 88-147(S-2); AO No. 99-62, § 36, 5-11-99; AO No. 2001-117, § 3, 7-10-01; AO No. 2001-161, § 1, 1-8-02)

#### **21.55.050 Nonconforming uses of structures.**

If lawful use involving individual buildings or structures, or of a 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 any land outside such buildings.
- C. If no structural alterations are made, any nonconforming use of a 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 con-

form 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. The term "destruction," for the purpose of this subsection, is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

(GAAB 21.05.070.E)

#### **21.55.060 Repairs and maintenance.**

A. 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 of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent 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.

B. Preexisting antennas and preexisting towers

- 1. Preexisting tower structures shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower structure of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower structure shall comply with the requirements of this ordinance.

2. Notwithstanding abandoned community interest and local interest towers and/or antennas, bona fide nonconforming tower structures or antennas that are damaged or destroyed may be rebuilt without having to meet the separation requirements. The type, height, and location of the tower structure on-site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the community interest or local interest tower or antenna shall be deemed abandoned.

(GAAB 21.05.070.F; AO No. 99-62, § 37, 5-11-99)

**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 and zoning commission in accordance with section 21.15.030. A conditional use existing before the original effective date of applicable regulations that is permitted in its entirety as a principal 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 permitted principal use and the conditional use shall be null and void.

(GAAB 21.05.070.G; AO No. 77-355; AO No. 94-62, § 3, 4-12-94)



**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 years from July 26, 1971, whichever is greater, shall become a prohibited and unlawful use and shall be thereafter discontinued.

B. Licensees of uses affected by subsection A of this section 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 of this section 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 21.05.070.H)

**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 complies 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. A graphic and legal description of the petition area.
2. Existing topographic contours, at not more than two-foot contour intervals.
3. Finished topographic contours when extraction is completed, at 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. A site drainage plan.
2. The method of securing the area to prevent casual access.
3. The estimated amount of material to be removed from the site.
4. The proposed hours of operation.
5. A proposed amortization schedule and supporting documentation for consideration by the planning and zoning commission which specifies the date the owner would cease operations.
6. A description of operations or processing which will take place on the site during and after the time the material is extracted.
7. A 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

planning and zoning 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 owner'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 planning and zoning 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, to 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. Upon receipt of a development and restoration plan pursuant to subsection A of this section, the planning and zoning 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 of this section. 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 planning and zoning commission for a modification of the development plan, including the amortization schedule, or for a modification of restrictions imposed under subsection D of this section 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 of this section 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 under this section shall be treated as conditional uses for the purposes of appeals to the assembly.
- H. This chapter shall not apply to any mineral resource operation continuing as a lawful conditional use on August 9, 1977.

- 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 and zoning commission relating to restoration plans, amortization or conditions of separation.

(AO No. 77-224)

**21.55.100 Nonconforming parking facilities, loading facilities, 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 requirements. Change shall be permitted in the direction of conformity to these requirements of this title.

(GAAB Ord. No. 1-69; GAAB Ord. No. 73-119; GAAB Ord. No. 74-56; GAAB 21.05.070.J; AO No. 77-299, § 1.Q.1, 8-30-77)

**21.55.110 Continuity of prior conditional uses and variances.**

Any valid conditional use or variance granted prior to the enactment of the ordinance from which this title is derived shall be permitted to continue in accordance with such conditional use or variance.

(GAAB 21.05.100.C; AO No. 77-355)

**21.55.120 Government agency property acquisitions.**

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this title as a result of an acquisition of land by a government agency for a public purpose, the structure, use of land, use of structure, or characteristic of use on land not acquired by the government or land abutting the acquired land that was lawful with the requirements of this title prior to the acquisition shall be permitted to continue and shall be treated as noncon-

forming subject to this chapter. For purposes of this section the word "land" means fee simple interest in real estate.

(AO No. 95-162, § 1, 9-12-95)

**21.55.130 Large retail establishments.**

A. Large retail establishments existing on or before May 8, 2001 shall be deemed to be approved site plans and not nonconforming uses or structures. The provisions of this chapter notwithstanding, the expansion, reconstruction, renovation, or remodeling of a large retail establishment existing on the date this section takes effect may be allowed only after a limited site plan approval is granted by the planning and zoning commission. Applications for limited site plan approval under this subsection shall be processed in the same manner as applications for a site plan approval required for new establishments. This section shall not, however, apply to the interior remodeling, renovation, or repair to interior portions of large retail establishments existing on the date this section becomes effective. In approving limited site plans under this subsection, the commission shall apply the standards set out in 21.50.320 in a manner proportionate to the extent of the expansion, reconstruction, renovation, or remodeling proposed. The cost of compliance with the standards set forth in 21.50.320 shall not exceed ten percent of the cost of the expansion, reconstruction, renovation, or remodeling. In determining the degree to which the standards set out in 21.50.320 shall apply to the expansion, reconstruction, renovation, or remodeling proposed, the commission shall also consider:

1. Whether strict application of any standard of 21.50.320 would result in peculiar or exceptional practical difficulties or work an undue hardship on the owner of the property;
2. Whether the proposed design and site plan satisfies the intent of this section as well or better than would strict compliance with standards set forth in 21.50.320;
3. Whether relaxation of any requirement of 21.50.320 would impose any significantly greater negative impact on surrounding property; and

4. Whether the proposed design and site plan brings the site into greater compliance with the standards set forth in 21.50.320 than the existing structure.
5. To grandfather existing large retail establishments and to set standards for their renovation which encourage conformity to the new ordinance without undue economic hardship.

(AO No. 2001-80, § 12, 5-8-01)

#### **21.55.140 Self storage and vehicle storage operations.**

A. Self-storage and vehicle storage operations existing on or before (insert date of adoption of this ordinance) shall be subject to 21.55 as applicable.

B. Notwithstanding the provisions of section 21.55, where self-storage and vehicle storage operations exist and have been in continuous existence since the date of adoption of this section which is October 26, 2004, or before, those operations shall be deemed to be approved site plans and not nonconforming uses or structures or existing conditional uses provided the owner thereof complies with the following:

1. Any self-storage or vehicle storage operation existing prior to the adoption of this section, that does not comply with the requirements of subsections 21.45.290.K.1, K.2., K.3., and K.5. for sight-obscuring fencing, required landscaping external to said fencing, and elimination of security razor or concertina security wire at the top of a fence, shall submit a site enhancement plan for the property, which is reviewed and approval determined by the planning director. The site enhancement plan shall be submitted to the director within nine years and six months. The plan shall be fully implemented within ten years of the date of the adoption of this section which is October 26, 2004. The intent of this site enhancement plan is to bring property as close as reasonably

possible into compliance with the above noted subsections without impeding existing operations.

- a. The site enhancement plan shall include:
    - i. A graphic and legal description of the petition area.
    - ii. Existing fencing, and fencing types on the site.
    - iii. Current vegetation external to perimeter fencing, if any.
    - vi. Vehicular access points, including ingress and egress points, and queuing lanes.
    - v. Proposed modifications to bring the property into compliance with the intent of the standards for self-storage and vehicle storage contained in subsections 21.45.290.K.1., K.2., K.3., and K.5., but only for the following items: sight-obscuring fencing, required landscaping external to said fencing on any side of the property abutting a residential zoning district or a major or minor arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features or buildings located on adjoining properties, and in all instances elimination of barbed, razor and concertina or other security wire, unless the security wire is placed in accordance with other sections of this title.
  - b. It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.
2. A narrative statement shall also be submitted with the site enhancement plan.

The narrative shall be based on existing conditions and shall detail the following information:

- a. The method of securing the area to prevent casual access.
  - b. A proposed schedule which specifies the date and methods by which the owner shall come into compliance with the intent of this section.
  - c. A description of current operations and uses on the site.
3. The Director shall set a reasonable period of time for implementation of the approved site enhancement plan, but in no case longer than 10 years from the date of adoption of this section. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:
- a. The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.
  - b. History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use, and any relevant permits or other official regulatory documents related to the use of the property as a self-storage and/or vehicle storage use.
  - c. A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet from the exterior boundary of the subject property, showing the zoning district boundaries.
  - d. The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration and other adverse environmental effects.
  - e. Any other information the property owner may wish to submit in order to make the case.
4. Upon receipt of a site enhancement plan pursuant to subsection A. above, the Director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the Director shall be in writing and sent by certified mail to the address listed in the owner's application.
5. *Appeals.* A decision of the Director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the Director. An appeal from a decision of the zoning board of examiners and appeals may be brought in Superior Court.

(AO. No. 2004-108(S), § 11, 10-26-04)

Chapter 21.60

**FLOOD PLAIN REGULATIONS (RESERVED)\***

**21.60.005 Findings of fact.**

(AO No. 78-169)

**21.60.010 Short title of chapter; purpose and intent.**

(OR 75-111; AO No. 79-169)

**21.60.015 Interpretation of chapter; disclaimer of liability.**

(AO No. 79-169)

**21.60.020 Creation of flood hazard district; official flood hazard reports and maps.**

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 82-49; AO No. 87-43)

**21.60.030 Definitions.**

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**21.60.040 Establishment of flood hazard district.**

(GAAB Ord. No. 75-111; AO No. 79-169)

**21.60.050 Regulations applicable to flood hazard district.**

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**21.60.060 Regulations applicable to subdistricts.**

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**21.60.065 Construction requirements.**

(AO No. 79-169; AO No. 87-43)

**21.60.070 Special flood hazard permit.**

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**21.60.080 Nonconforming uses.**

(GAAB Ord. No. 75-111; AO No. 79-169; AO No. 87-43)

**21.60.090 Duties of administrative agent.**

(AO No. 79-169)

**21.60.100 Appeal procedure.**

(GAAB Ord. No. 75-111; AO No. 79-169)

**21.60.110 Standards and conditions for variances and appeals.**

(AO No. 79-169)

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\***Editor's note**—Chapter 21.60 was repealed on August 25, 2009, by AO 2009-97. Code provisions regarding flood hazards are now located in subsection 21.04.080D.

**Cross reference**—Building regulations, ch. 23.05.

Chapter 21.65

**AIRPORT HEIGHT ZONING REGULATIONS**

- 21.65.010 Short title of chapter; purpose and intent.
- 21.65.020 Definitions.
- 21.65.030 Preparation of airport height maps.
- 21.65.040 Adoption and amendment of airport height maps; specific maps adopted.
- 21.65.050 Height limitations.
- 21.65.060 Nonconformities.

**21.65.010 Short title of chapter; purpose and intent.**

A. *Title.* This chapter shall be known as the Airport Height Zoning Regulations of the Municipality of Anchorage.

B. *Purpose and intent.* 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 No. 80-55)

**21.65.020 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Airport* means a tract of land or water that is maintained for the landing and takeoff of aircraft and for receiving and discharging of passengers or cargo that usually has facilities for shelter, supply and repair of aircraft.

*Airport elevation* means the highest point of an airport's usable landing area, measured in feet above mean sea level.

*Airstrip* means a tract of land or water maintained as a runway without a control tower and other normal airport facilities.

*Approach, transitional, horizontal and conical* mean surfaces or zones which are airspace zones defined as set forth in FAR part 77, subpart C, paragraph 77.25.

*Hazard to air navigation* means an obstruction determined to have substantial adverse effect on the safe and efficient utilization of the navigable airspace.

*Height* means, for the purpose of this chapter and the airport height map, the distance above mean sea level, unless otherwise specified.

*Landing area* means the area of the airport or airstrip used for landing, takeoff or taxiing by aircraft.

*Nonconforming use and nonconformities* mean any structure, object of natural growth or use of land which is inconsistent with the provisions of this chapter.

*Obstructions* means a structure, vegetation or other object, including a mobile object, which exceeds the height permitted in the obstructions standards of FAR part 77, subpart C, paragraphs 77.23 and 77.25.

*Runway* means a defined area on land or water prepared for use for landing and takeoff of aircraft.

(AO No. 80-55; AO No. 86-63)

*Cross reference*—Definitions and rules of construction generally, § 1.05.020.

**21.65.030 Preparation of 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 FAR part 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or manager of a governmentally operated airport shall prepare, within 180 days from May 13, 1986, an airport height map in accordance with FAR part 77, subpart C, paragraph 77.25. The map shall be filed with the department of community planning and development.

B. The map shall be to scale and shall 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 required by subsection A of this section shall accurately depict airspace zones as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical increments. Before submission to the department of community planning and development the map must have been certified by the Federal Aviation Administration that it depicts the requirements of FAR part 77,



subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in any way from the requirements of the FAR, each such deviation shall be indicated in writing on the map and shall be accompanied by a letter of nonobjection by the Federal Aviation Administration. Any such deviation is subject to approval at the department of community planning and development.

D. Before submission to the department of community planning and development any optional map depicting airspace zones provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation Administration indicating that it accurately depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3). (AO No. 80-55; AO No. 82-49; AO No. 86-63)

Cross reference—Municipal airports, ch. 11.60.

#### **21.65.040 Adoption and amendment of airport height maps; specific maps adopted.**

A. The adoption or amendment of any airport height zone map shall be processed in the same manner as official maps, pursuant to section 21.10.015.A.1. Any airport height zone map or amendment to the map shall be adopted by the assembly by ordinance.

B. The following airport height zone maps are adopted:

1. The airport height zoning map prepared by the state department of transportation and public facilities for the Birchwood Airport in the municipality dated February 8, 1984.
2. The airport height zoning map prepared by the state department of transportation and public facilities for the Girdwood Airport in the municipality dated February 9, 1984.
3. The airport height zoning map prepared by the state department of transportation and public facilities for the International Airport in the municipality dated February 8, 1984.

4. The Airport Height Zoning Map prepared by USKH Engineering for the Merrill Field Airport in the municipality dated January 2004.

(AO No. 80-55; AO No. 81-42; AO No. 82-32; AO No. 86-74; AO No. 2004-106, § 2, 7-20-04)

#### **21.65.050 Height limitations.**

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

1. Thirty-five feet above ground elevation; or
2. The maximum height permitted under FAR part 77, subpart C, as depicted on any airport height zone map adopted as provided in section 21.65.040.

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

C. The height restrictions contained in this chapter do not apply to buildings for which building permits were issued prior to June 17, 1986.

D. Natural vegetation shall not be affected by the height limitation of this section.

(AO No. 80-55; AO No. 86-63)

#### **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 May 13, 1980, shall be permitted only in accordance with chapter 21.55.

(AO No. 80-55)

Chapter 21.66

**DOWNTOWN EAGLE RIVER OVERLAY DISTRICT**

21.66.005	Title of chapter.
21.66.010	Scope, goals and boundary description.
21.66.015	Overlay R-O Residential-Office District.
21.66.020	Overlay B-3 General Business District.
21.66.025	Repairs and maintenance.
21.66.030	Design modifications.
21.66.035	Permitted uses: Alternative equivalent compliance.
21.66.040	Residential design standards.
21.66.045	Commercial design standards.

**21.66.005 Title of chapter.**

This chapter may be cited and referred to as the Downtown Eagle River Overlay District. (AO No. 2009-26(S), § 1, 7-21-09)

**21.66.010 Scope, goals and boundary description.**

A. *Scope:* The underlying area encompassed by the Downtown Eagle River Overlay District is within either the R-O residential-office district or the B-3 general business district. This chapter superimposes a unique set of supplemental land use restrictions, and implements certain site and architectural design requirements, in support of the community goals established for the Downtown Eagle River Overlay District. Developments within the area designated by this chapter as the Downtown Eagle River Overlay District are required to conform to the requirements of the underlying district and the modifications imposed by the overlay district requirements, as set out in this chapter.

B. *Community goals for the Downtown Eagle River Overlay District:*

1. Create a cohesive town center.
2. Foster a sense of place as a unique, vibrant business district and community center.
3. Maintain a small-town character consistent with community values expressed through community meetings.
4. Promote incremental improvements in a manner that encourages business development and investment without creating additional costs or undue hardship to existing uses and businesses.
5. Promote residential and commercial development that is distinctive, compatible with the town center of Eagle River, and provides a transition between single-family residential neighborhoods and the commercial core of the town center.
6. Provide variety and visual interest in the exterior design of residential buildings.
7. Promote a more pedestrian oriented town center.

8. Promote commercial and public buildings that reflect a human scale of limited height.
9. Promote a commercial design vocabulary compatible with our Alaskan setting that can serve as a unifying theme.
10. Establish alternative local business resources to the Anchorage business community and encourage the development of a local economic base.

C. *Boundary description of district:* The Eagle River Overlay District shall encompass the area described within the following bounds, as identified on the Downtown Eagle River Overlay District Boundary Map 21.66-A:

From a point of beginning at the northwest corner of Tract S-1-B of Timber Ridge Units Subdivision, as found on Grid NW0251, proceeding east on the south side of Farm Avenue, crossing the Old Glenn Highway and continuing east along the north property line of lot 1-B, Block 12, Walter G Pippel Subdivision, Addition 2, to the northeast corner of lot 1-B, then proceeding southwest along the eastern boundaries of lots 1-B and 1-A to the intersection with North Eagle River Loop Road, then crossing North Eagle River Loop Road to the northeast corner of lot 7C1 of Block 11, then proceeding southwest along the eastern boundaries of lots 7C1 and 7B2 to the intersection with Hanson Drive, then crossing Hanson Drive to the northeast corner of lot 10 of Block 7, then west along the south side of Hanson Drive to the intersection with the northeast corner of Tract A of the Martin Business Park, then south along the eastern boundary of Tract A to the intersection with Easy Street, then crossing Easy Street to the northwest corner of Lot 12 of Block 5 and then south along the western boundary of lots 12 and 1 of Block 5, crossing Park Place Street and proceeding south along the western boundaries of 1 and 12 of Block 6 to the intersection with Coronado Road, then proceeding east on the south side of Coronado Road to the northwest corner of Lot 5 of the Sunny Slopes Subdivision, then south along the western boundaries of lots 5, 6, 15, 16, 25, 26, 35, 36, 47, 48, 49, and 65 to the intersection with Monte Road, then crossing Monte Road to

the south side, then proceeding west on Monte Road to the northwest corner of lot 17 of Ashley Park Subdivision, then proceeding south along the western boundaries of lots 17, 16, 15, 14, 13, and 12 to the intersection with Lynne Drive, then west on Lynne Drive to the Old Glenn Highway, then proceeding south on the west side of Eagle River Elementary School and continuing south along the east side of Eagle River Road to the southwest corner of the Eagle River Elementary School property, then proceeding west across Eagle River Road to the eastern edge of the New Glenn Highway Right-of-Way, then north northwest along the eastern edge of the New Glenn





Highway to the intersection with the southwest corner of Tract B-5 of Eagle Glenn South Subdivision, then east to the intersection with Regency Road, then north across Regency Road and continuing northwest along the west side of Regency Road to the northwest corner of Tract B-9, then following the northern boundary of Tract B-9 to the intersection with the southwest corner of tract A-1, then continuing north and west along the boundary of Tract A-1 to the intersection with Regency Drive, then crossing Regency Drive to the north and proceeding north along the western boundary of Tract S-1-B to the point of beginning at the northwest corner of Tract S-1-B.

# Eagle River Overlay District

## Overlay District Boundary and Height Restriction Map

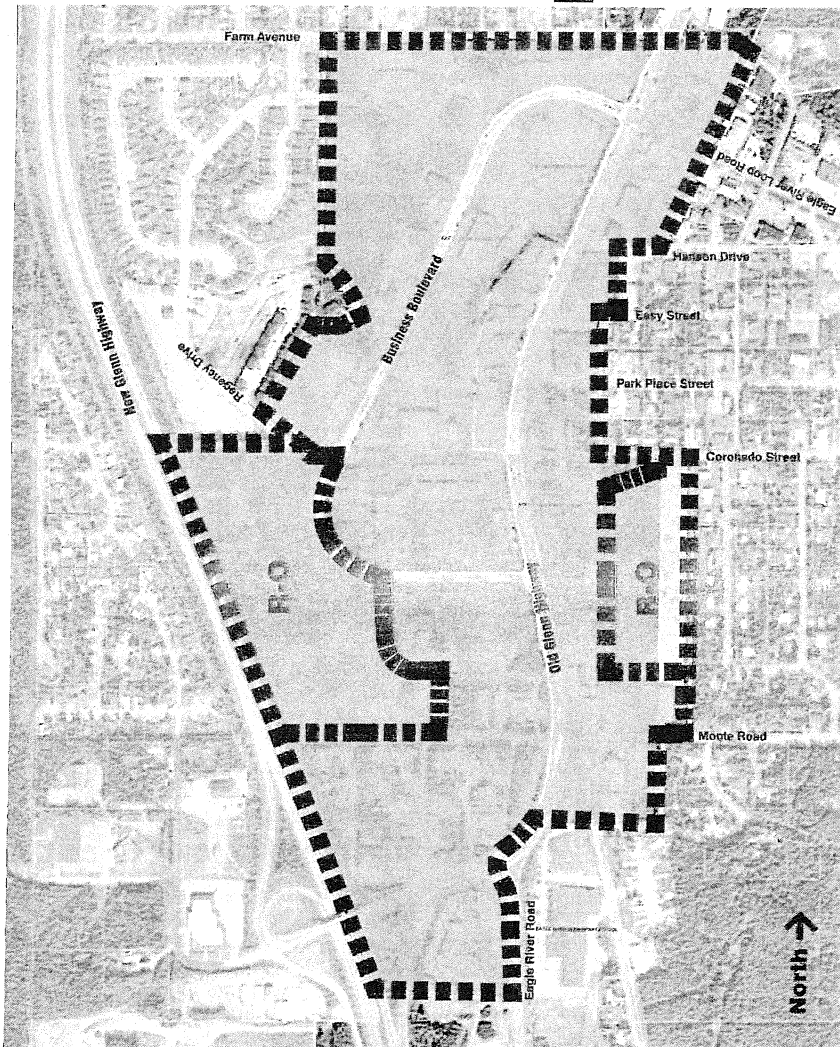
Map 21.66-A

### LEGEND

-  Eagle River Overlay District Boundary
-  Underlying zoning designation of R-O, as identified in AMC 21.40.130.
-  Height Restricted to 4 Stories within 66 feet
-  Height Restricted to 3 Stories within 40 feet

Note: All underlying zoning within the overlay district bears the designation of R-3, as identified in AMC 21.40.180, except for those areas specifically identified as R-O.

Where building height restriction is identified by stories, basements are excluded



Corrected height allowance: in legend due to conflict with ordinance text - 2/2/12 - Municipal Planning Division

(AO No. 2009-26(S), § 1, 7-21-09; AO No. 2009-106, § 1, 7-21-09)

**21.66.015 Overlay R-O Residential-Office District.**

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

- A. *Purpose and intent.* The Downtown Eagle River Overlay 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 Downtown Eagle River Overlay 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. The regulations and restrictions in the Downtown Eagle River Overlay 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.* Permitted principal uses and structures are as follows:
1. Single-family, two-family and multiple-family dwellings.
  2. Hotels, motels and motor lodges on sites with a minimum area 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. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the state alcoholic beverages control board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
  3. Boardinghouses and lodgings.
  4. Private clubs and lodges. Uses involving the sale, dispensing or service of alcoholic beverages may be allowed by conditional use only.
  5. Parks, playgrounds and playfields, and municipal buildings in keeping with the character of the district.
  6. Museums, historic and cultural exhibits, libraries and the like.
  7. Child care centers and child care homes.
  8. Public, private and parochial academic schools.
  9. Hospitals and nursing facilities.
  10. Residential care facilities, any size.
  11. Transitional living.
  12. Offices of physicians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences.
  13. Accounting, auditing and bookkeeping services.
  14. Engineering, surveying and architectural services.
  15. Attorneys and legal services.
  16. Real estate services and appraisers.
  17. Stock and bond brokerage services.
  18. Insurance services.
  19. Photographic services.
  20. Funeral services; provided, however, that crematoriums are specifically prohibited.
  21. Banks, savings and loan associations, credit unions and similar financial institutions.
  22. Private employment agencies, placement services and temporary personnel services.
  23. Headquarters or administrative offices for such charitable or eleemosynary organizations as the Red Cross, Tuberculosis Society, Cancer Society,

- Heart Association, Boy Scouts, Girl Scouts and similar quasi-public organizations of a noncommercial nature.
24. Veterinary clinics, provided that all facilities used for animal care at the clinic are completely enclosed within the building.
  25. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
  26. With a permitted non-residential use or residential use of six dwelling units or more as a secondary and subordinate use and as specified in the supplementary district regulations, antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas.
  27. Barbershops and beauty shops.
  28. Computer aided learning center.
  29. Offices and centers for family self sufficiency service.
  30. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Accessory uses incidental to any of the principal uses listed in subsection B of this section.
  2. For hotels, motels or motor lodges having 20 or more rental units, personal and professional service establishments and restaurants which are clearly incidental to the operation of the permitted principal use.
  3. Bed and breakfast with three or less guestrooms.
  4. Bed and breakfast with four or five guestrooms only by administrative site plan review.
  5. Antennas without tower structures, type 1, 3, local interest towers and type 4 tower structures and antennas as accessory uses to other than residential structures of six dwelling units or less as specified in the supplementary district regulations.
- D. *Conditional uses.* Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:
1. Townhouses, row houses and office buildings built to a common wall at side lot lines.
  2. Utilities substations.
  3. Off-street parking spaces or structures.
  4. Planned unit developments.
  5. 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.
  6. Habilitative care facilities.
  7. Two or more drive-up bank stations.
  8. Type 1, 2 and 3 local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  9. Snow disposal sites.

- 10. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
- 11. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC Section 21.66.045D.

E. *Prohibited uses and structures.* The following uses and structures are prohibited:

- 1. Storage for use of mobile homes or Quonset-style huts.
- 2. Any use which causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, radiation, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which it is located. Operation of particle accelerator systems, including cyclotrons, is prohibited. The term "excessive" is defined for the purpose of this subsection as to 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. Vehicle sales and rentals which include outdoor display of motor vehicles.
- 4. Self-storage facility, which includes outdoor storage of fully operable vehicles.
- 5. Mobile home or manufactured house display lot.
- 6. Natural resource extraction.
- 7. Camper park.
- 8. The outdoor storage or display of any scrap, junk, salvaged or second-hand materials, or any salvage yard or salvage operation.
- 9. Truck and heavy equipment repair, service and storage.
- 10. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.

F. *Minimum lot requirements.* Minimum lot requirements are as follows:

Use	Lot Area (square feet)	Lot Width (feet)
1. Single-family dwelling	6,000	50
2. Two-family dwelling	6,000	50
3. Three- through ten-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.
- 5. Lot requirements for all other permitted uses are as follows:
  - a. Lot area: 6,000 square feet.
  - b. Lot width: 50 feet.

G. *Minimum yard requirements.* Minimum yard requirements are as follows:

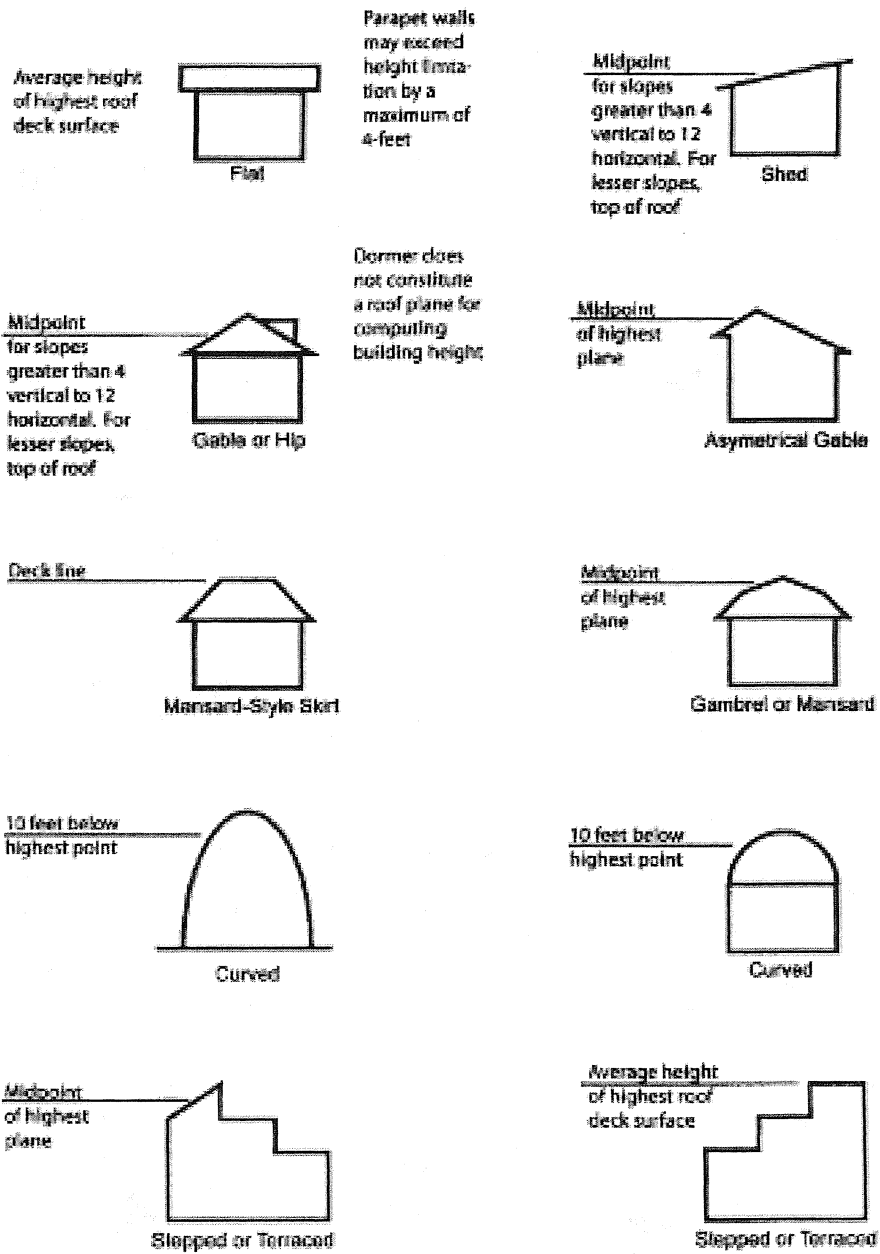
- 1. Front yard: Ten feet, except as provided in the supplementary district regulations.



2. Side yard:
    - a. Single-family, two-family and multiple-family dwellings: Five feet; provided 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.
    - b. All other permitted uses: 15 feet adjacent to a residential district; otherwise none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.
  3. Rear yard: Ten feet.
  4. Multiple-family dwellings shall provide a usable yard area (open space area as identified in Section 21.66.040B.4.) of 100 square feet per dwelling unit.
- H. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is as follows:
1. Single-family, two-family and multiple-family dwellings: 50 percent.
  2. All other permitted uses: Unrestricted.
- I. *Building height.*
1. *Allowable height.* The maximum allowable height within the Eagle River Overlay District is four stories within 66 feet of measured height. Allowable height is reduced to three stories within 40 feet of measured height where the overlay district abuts existing single-family residential development. The boundaries for the three story height restriction are identified on the Eagle River Overlay District Map.
  2. *Rules for measuring height.*
    - a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in Figure 21.66-1, following this section.
    - b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure.
    - c. Where maximum height is measured in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.
  3. *Grade plane.* The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or where the lot line is more than six feet from the building, between the building and a point six feet from the building.
  4. *Establishment of grade.* The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.
    - a. *Existing grade.* In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.
    - b. *Adjustments to establishment of grade.* In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade

in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall not, in the judgment of the director, be detrimental to the general health, safety, and welfare; result in the loss of any public views and shall be reasonable and comparable with the grades of surrounding properties and streets; consistent with the character of the surrounding neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.

- 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 facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Landscaping.* All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.



**Figure 21.66-1. Building Height Measurement**

(AO No. 2009-26(S), § 1, 7-21-09)

**21.66.020 Overlay B-3 General Business District.**

The following statement of intent and use regulations shall apply in the Downtown Eagle River Overlay B-3 district:

A. *Intent.* The Downtown Eagle River Overlay B-3 district is intended for general commercial uses in areas exposed to heavy automobile traffic. The district specifically is intended for areas at or surrounding major arterial intersections where personal and administrative services, convenience stores and retail shops, and automobile-related services are desirable and appropriate land uses. The extension of the Downtown Eagle River Overlay B-3 district commercial uses along arterials, except as identified in the comprehensive development plan, is to be discouraged.

B. *Permitted principal uses and structures.* Permitted principal uses and structures are as follows:

1. Business, business services, professional services and personal services, including incidental manufacturing or processing of goods for sale at retail or wholesale on the premises, except conditional uses under subsection D of this section and uses prohibited under subsection E of this section.
  - a. Large retail establishment, subject to public hearing site plan review.
  - b. Alcoholic beverage license use for a restaurant or eating place licensed by the state alcoholic beverages control board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
2. Offices.
3. Veterinary clinics, provided that all facilities used for animal care at the clinic are completely enclosed within the building.

4. Other uses:

- a. Multifamily residential uses, at a density of not less than 12 dwelling units per acre.
- b. Dwellings in commercial structures with a gross floor area not less than 5,000 square feet.
- c. Private clubs and lodges.
- d. Parks, playgrounds and playfields, and government buildings and uses.
- e. Vocational or trade schools.
- f. Child care centers and child care homes.
- g. Churches, to include any place of religious worship, along with their accessory uses, including, without limitation, parsonages, meeting rooms and child care provided for persons while they are attending religious functions. Use of church buildings other than the parsonage for the purpose of housing or providing shelter to persons is not permitted except as otherwise allowed in this title.
- h. Roominghouses.
- i. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
- j. Public, private and parochial academic schools.
- k. Business colleges and universities.
- l. Adult care facilities.
- m. Hospitals and nursing facilities.
- n. Transitional living facilities.
- o. Large residential care facilities.

5. Computer aided learning center.

6. Offices and centers for family self sufficiency service.
  7. Unlicensed nightclub, provided such nightclub conforms to the requirements of Section 21.45.245.
  8. Tower, high voltage transmission, maximum average tower height of 70 feet above ground level. The average height shall be determined by adding the heights from ground level of all towers in a project and dividing by the total number of structures. The result shall be the "average tower height."
- C. *Permitted accessory uses and structures.* Permitted accessory uses and structures are as follows:
1. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures are permitted.
  2. Antennas without tower structures, type 1, 2, 3, and 4 community interest and local interest towers as specified in the supplementary district regulations.
- D. *Conditional uses.* Subject to the requirements of the conditional use and site plan 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 theaters.
  6. Habilitative care facilities.
  7. Liquor stores, restaurants, tearooms, cafes, private clubs or lodges, and other places serving food or beverages involving the retail sale, dispensing or service of alcoholic beverages in accordance with Section 21.50.160. Alcoholic beverage license use for a restaurant or eating place licensed by the state alcoholic beverages control board to sell beer and wine for consumption only on the licensed premises is permitted subject to the administrative site plan review standards in Section 21.50.500.
  8. Type 1, 2, 3, or 4 community interest and local interest towers that do not meet the supplementary district regulations for a permitted or accessory use.
  9. Snow disposal sites.
  10. Correctional community residential centers, not to exceed 30 residents.
  11. Tower, high voltage transmission, exceeding maximum average tower height of 70 feet. Towers exceeding the maximum average of 70 feet in height may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use. When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four structures of an existing transmission line may be replaced with structures exceeding the maximum average of 70 feet in height without the requirement for a conditional use.
  12. Storage of equipment used to provide essential services to property within the Downtown Eagle River Overlay District, to include snow plowing, snow removal, parking lot clearing and property maintenance equipment, is limited to four pieces. All equipment storage areas shall be screened in accordance with the design standards in AMC Section 21.66.045D.
- E. *Prohibited uses and structures.* The following uses and structures are prohibited:
1. The outdoor storage or display of any scrap, junk, salvaged or second-hand materials, or any salvage yard or salvage operation.

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. The term "excessive" is defined for the purpose of this subsection as to 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.
  4. Truck and heavy equipment repair, service and storage.
  5. Open storage of cinders, coal, feed, grain, gravel, manure, muck, peat, sand or topsoil.
  6. Vehicle sales and rentals which include outdoor display of motor vehicles.
  7. Self-storage facility, which includes outdoor storage of vehicles.
  8. Mobile home or manufactured house display lot.
  9. Natural resource extraction.
  10. Camper park.
- F. *Minimum lot requirements.* Minimum lot requirements are as follows:
1. Residential uses: As provided in Section 21.40.060.F.
  2. All other uses, including residential uses associated with other uses:
    - a. Width: 50 feet.
    - b. Area: 6,000 square feet.
- G. *Minimum yard requirements.* Minimum yard requirements are as follows:
1. Residential uses: As provided in Section 21.40.060.G.
  2. All other uses:
    - a. Front yard: Ten feet.
    - b. Side yard: 15 feet adjacent to a residential district; otherwise, none, provided that all buildings on the lot shall have a wall on the lot line or shall be set back from the lot line at least ten feet.
    - c. Rear yard: 15 feet adjacent to a residential district; otherwise, none.
- H. *Maximum lot coverage.* Maximum lot coverage is as follows:
1. Residential: As provided in Section 21.40.060.H.
  2. All other uses: Unrestricted.
- I. *Maximum height of structures.* Maximum height of structures shall be as identified on the Downtown Eagle River Overlay District Height Restriction Map 21.66-B.
- J. *Signs.* Signs shall 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, subject to the provisions of the supplementary district regulations.
- L. *Loading facilities.* Where applicable, off-street loading facilities shall be provided in accordance with the provisions of the supplementary district regulations.
- M. *Refuse collection.* Where applicable, refuse collection facilities shall be provided in accordance with the supplementary district regulations.
- N. *Landscaping.*
1. *Buffer landscaping.* Buffer landscaping shall be planted along each lot line adjoining a residential district.
  2. *Perimeter landscaping.* Except adjacent to collector or arterial streets, visual enhancement landscaping shall be planted along the perimeter of all outdoor areas used for vehicle circulation, parking, storage or display.

3. *Arterial landscaping.* Arterial landscaping shall be planted along all collector or arterial streets.
4. *Visual enhancement landscaping.* All areas not devoted to buildings, structure, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.
5. *Maintenance.* All landscaping shall be maintained by the property owner or his designee.

(AO No. 2009-26(S), § 1, 7-21-09)

#### **21.66.025 Repairs and maintenance.**

A. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done within any three-year period that does not exceed 50 percent of the value of the existing structure, as determined by the Municipality of Anchorage. Improvements that include repositioning the building or reconfiguring the site are not allowed under this standard, unless the change brings the site closer to or into conformity with the standards of this chapter. 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.

B. The standards herein do not apply to remodels that do not change the exterior appearance of the building.

1. Improvements that include interior and exterior work shall be valued as the sum of all of the work.

C. Preexisting antennas and preexisting towers.

1. Preexisting tower structures shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower structure of like construction and height) shall be permitted on such preexisting towers. New construction other than rou-

tine maintenance on a preexisting tower structure shall comply with the requirements of this ordinance.

2. Notwithstanding abandoned community interest and local interest towers and/or antennas, bona fide nonconforming tower structures or antennas that are damaged or destroyed may be rebuilt without having to meet the separation requirements. The type, height, and location of the tower structure on-site shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the community interest or local interest tower or antenna shall be deemed abandoned.

(AO No. 2009-26(S), § 1, 7-21-09)

#### **21.66.030 Design modifications.**

A. Design modifications shall not undermine the intent of the design standards and guidelines.

B. The planning director shall have the authority to:

1. Require changes in project design to meet these standards,
2. Allow deviation from certain standards of this chapter, pursuant to "alternative equivalent compliance" and if necessary to allow for the reasonable development of the site, and
3. Modify the design standards and guidelines as they apply to individual properties, pursuant to "alternative equivalent compliance" and if necessary to allow for the reasonable development of the site.

(AO No. 2009-26(S), § 1, 7-21-09)

#### **21.66.035 Permitted uses: Alternative equivalent compliance.**

A. This alternative process is to promote creative design approaches resulting in development equal or superior to development that fully meets all requirements.

B. A proposal to modify development standards or requirements shall not undermine the intent of the core design standards.

C. This alternative process differs from the variance procedure because approval is based upon meeting or exceeding the intent of the standard by an alternate method, instead of allowing non-compliance based on unusual circumstances.

D. *Pre-application*: An applicant proposing alternative equivalent compliance shall request and attend a pre-application conference before submitting the site plan for the development. Based on the director's preliminary response, an applicant shall include in the site plan application explanation and justification, written and graphic, sufficient to support the alternative equivalent compliance requested by the applicant.

E. An applicant may propose to deviate from the design standards if the proposal satisfies the evaluation criteria of this section.

1. Aspects of property development which can be modified including:
  - a. The core design standards,
  - b. Building set-backs.
2. No other standards can be modified including the following:
  - a. Building height,
  - b. Uses permitted by the zone in which the property is located, and
  - c. Regulations for non-conforming uses,

F. The planning director shall have the authority to approve or disapprove designs that seek alternative compliance.

1. The planning director shall not approve a request for modification unless it provides architectural and urban design elements equivalent or superior to what would likely result from compliance with the core design standards and guidelines.
2. The planning director shall consider the following criteria in evaluating proposals:
  - a. The unique characteristics of the subject property, its surroundings and

how they will be protected or enhanced by modifying the design standards.

- b. The positive characteristics of the proposed development and whether such characteristics could be provided by compliance with the design standards proposed to be modified.
- c. The arrangement of buildings and open spaces as they relate to other buildings and/or uses on the subject property and on surrounding properties.
- d. Visual impact to surrounding properties caused by parking facilities in the proposed development and whether such impacts are less than would result from compliance with the design standards to be modified.
- e. Whether the proposed design mitigates the impacts that could be caused by the proposed modification of the standards.

G. *Formal appeal of the planning director's decision*: An applicant may appeal the planning director's decision to the planning and zoning commission. An applicant shall file an appeal within 30 days of the planning director's decision. (AO No. 2009-26(S), § 1, 7-21-09)

#### **21.66.040 Residential design standards.**

##### *A. Pedestrian access.*

1. *Intent*:
  - a. Orient development to the pedestrian by making pedestrian access convenient, safe, and inviting.
  - b. Encourage walking and bicycling within the core of Eagle River.
  - c. Enhance the character of development within the Downtown Eagle River Overlay District.
  - d. Minimize impact of development on residential privacy.



2. *Requirements:* An on-site pedestrian circulation system meeting the following standards shall be provided for all multi-family developments:

- a. Pathways between dwelling units and the street are required to meet the material standards in subsection A.4. Pathways between the street and dwelling units fronting on the street shall be a direct route. The planning director may allow exceptions where steep slopes prevent a direct connection, or where an indirect route would enhance the design or use of a common open space.
- b. The pedestrian circulation system shall connect all main entrances on the site. For townhouses or other residential units fronting on the street, the sidewalk may be used to meet this standard. For multiple-family developments, pedestrian connections to other areas of the site such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities are required.
- c. Elevated external walkways and external stairways which provide primary pedestrian access to dwelling units located above the bottom occupied floor are prohibited.

See Figure 21.66-3. The planning director may allow external stairways and walkways located within or facing interior courtyard areas if they do not compromise visual access from the units into the courtyard.



**Figure 21.66-3. Elevated External Walkways and External Access Stairways are Prohibited**

- d. Appropriate screening or buffering shall provide a physical separation between pedestrians, vehicle access areas, and the windows of residential units. Acceptable treatments include landscaped beds that separate the pathway from a building facade by a minimum distance of six feet where the facade has windows; placement of windows to maximize privacy without obstructing surveillance capability from within the dwelling unit; raising the ground floor units above the level of the walkway; and equivalent treatments which limit pedestrian view into dwelling unit windows.
3. *Pedestrian circulation standards for multiple detached dwellings on one development site:* Clear pedestrian access shall be provided between all dwelling units and the street to meet the material standards pathways included in this section.
  4. *Material standards for pathways:*
    - a. The pedestrian circulation system shall be hard-surfaced and at least five feet wide (clear width).
    - b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways

and parking or loading areas. At least two of the following design features shall be used to accomplish this:

- i. Raised curbs,
  - ii. Elevation changes,
  - iii. Bollards,
  - iv. Landscaping,
  - v. Decorative fencing
  - vi. Use of paving material other than asphaltic concrete, and
  - vii. Other methods, as approved by the planning director.
- c. Striping does not meet the separation requirement for pedestrian circulation. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that will allow snow removal. Bollard spacing shall be no farther apart than ten feet on center.
- d. No portion of the building may shed snow or meltwater onto the pedestrian circulation system.

#### B. *Open space.*

##### 1. *Intent:*

- a. Provide accessible, safe, convenient, and usable on-site open space for the enjoyment of residents of the development;
  - b. Create open space that enhances the residential setting; and
  - c. Maintain some (not unlimited) views for adjacent residential neighborhoods.
2. *Open space requirements for detached single-family uses:* Detached single-family uses shall provide at least 300 square feet of private yard space adjacent to each unit. Areas with any dimension less than 15 feet in width shall not be counted in this total.
3. *Open space requirements for attached single-family units (townhouses or site con-*

*dominiums) and duplexes:* Attached single-family uses and duplexes shall meet the on-site open space requirements for multi-family buildings, except that private patios and private landscaped areas directly adjacent and accessible to the single-family unit may be used to meet 100 percent of the on-site open space requirements.

4. *Open space required for multi-family buildings:* Multifamily buildings shall provide 100 square feet of on-site open space per dwelling unit. Areas with any dimension less than 15 feet in width shall not be counted in this total. Acceptable types of open space include common open space, and private open space in combination with common open space as described in these standards. Except for spaces meeting the dimensional and design requirements of these standards, setbacks and parking areas shall not count towards meeting open space requirements.

5. *Common open space:* Where accessible to all residents, common open space may count for up to 100 percent of the required open space. This includes landscaped courtyards or public decks, gardens with pathways, children's play areas, or other multi-purpose recreation and green spaces meeting these standards:

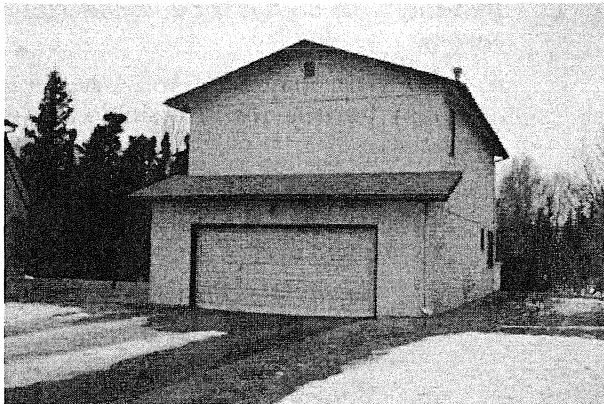
- a. Common open space shall be large enough to provide functional leisure or recreational activity. Except for porches and balconies, no dimension shall be less than 15 feet in width. Alternative configurations may be considered by the planning director where the applicant can successfully demonstrate that the common open space meets the intent of these standards.
- b. Common open space shall include pedestrian amenities, with at least two of the following:
  - i. Paths,
  - ii. Lighting,
  - iii. Seating.

- c. The requirement for pedestrian amenities is fully met by the installation of play equipment in common open space, without installation of other amenities.
- d. Common open space shall be separated from ground floor windows, streets, service areas and parking lots with landscaping, low-level fencing, or other treatments to enhance safety and privacy as may be approved by the planning director.

C. *Design standards for single- and two-family residential structures.*

1. *Intent:*

- a. Reduce the dominance of garages and blank facades in residential design on Eagle River streetscapes.



**Figure 21.66-4. Example of Garage and Blank Facade Design that should not Dominate Residential Design on Eagle River Streetscapes**

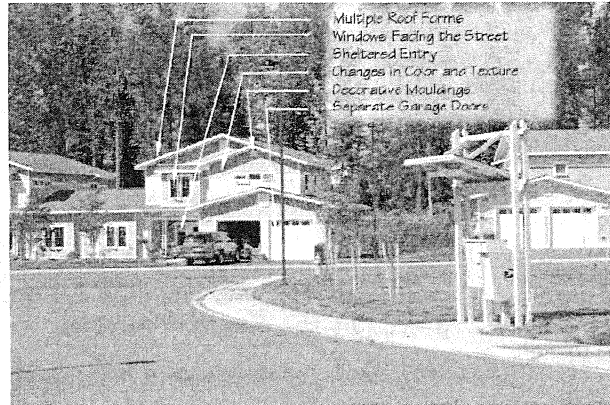
- b. Encourage the incorporation of pedestrian scale design details into building facades.
  - c. Promote architectural variety that adds visual interest to Eagle River core neighborhoods.
2. *Requirements:*
- a. *Housing mix by model:* Any development of five or more units shall have a mix of housing models.

i. 5—10 Units	2 Models
ii. 11—20 Units	4 Models
iii. 21—30 Units	5 Models
iv. More than 30 Units	6 Models

- b. *Variation for adjacent lots:* The development shall be arranged to avoid placing identical housing types, including mirror-image floor plans, on adjacent lots. Each housing model shall have at least two of the following variations:
  - i. Noticeably different exterior elevations and massing.
  - ii. Noticeably different placement of the building footprint on the lot. A four-foot setback different between the two longest planes of adjacent homes on the side of the homes facing the street will be acceptable.
  - iii. Noticeably different garage placement.
  - iv. Noticeably different rooflines.
- b. *Garages:* Garage doors facing the street shall comprise no more than 65 percent of the total length of the dwelling facade and, except for single story residences, garage doors shall not comprise more than 30 percent of the overall square footage of the dwelling facade facing the street. Garage doors that face the street and comprise more than 50 percent of the width of the dwelling facade shall be articulated forward or back from other portions of the front facade by at least four feet.
- c. *Windows:* Transparent windows or doors facing the street are required. Buildings shall have a minimum of 15 percent of the facade facing the street composed of transparent windows.
- d. *Detail to enhance the primary facade:* All residential buildings shall

be enhanced with at least three of the following details on the primary facade:

- i. For double garages, provide two individual garage doors rather than a single double-wide door.
- ii. Prominent front entrance distinguished by a separate roof, double doors, focal stairs or deck, fenestration, decorative porch design, or other means as approved by the planning director.
- iii. Decorative roof line to include multiple dormers, hip roofs and multiple rooflets.
- iv. Decorative use of building material, textural variation, and color to include shingles, tile, stone, wood siding, or other materials as approved by the planning director.
- v. Decorative molding and framing details to include exposed decorative trusses, special moldings for attic and roof peak vents, balconies, and decorative or unique moldings for windows and doors.
- vi. Use of trellises, decorative retaining walls, or other elements as approved by the planning director that help to integrate the building to the site.
- vii. Other elements that meet the intent of the standards, as approved by the planning director.

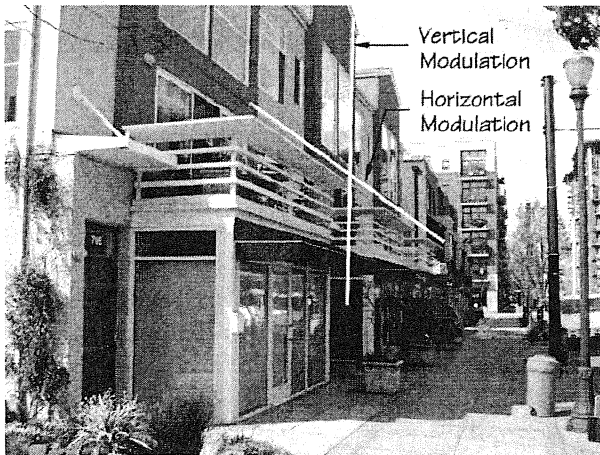


**Figure 21.66-5. Details that Enhance the Primary Facade**

*D. Design standards for zero-lot-line, townhouse residential development, and multi-family development.*

1. *Building articulation and architectural variety:*
  - a. No more than six townhouse units may be attached in a single row or cluster.
  - b. The building shall be given architectural and visual interest through at least three of the following methods:
    - i. Repeating distinctive window patterns at intervals less than 30 feet on center.
    - ii. *Vertical building modulation:* Building modulation is a repeated pattern of changes in plane or articulation along the length of a building facade (See Figure 21.66-6). If the vertical modulation is coordinated with a change in color, texture, or roofline, the minimum depth and width of modulation is 18 inches for depth and four feet for width, and the minimum distance between articulated elements is four feet (See Figure 21.66-7). If there is no change in color, texture, or roofline, the minimum depth is four feet,

the minimum width is ten feet, and the minimum distance between articulated elements is ten feet (See Figure 21.66-8). In both circumstances, the maximum distance between modulations is 30 feet. Balconies may be counted as modulation if they are either recessed or extended from the main facade in accordance with the dimensions identified above.

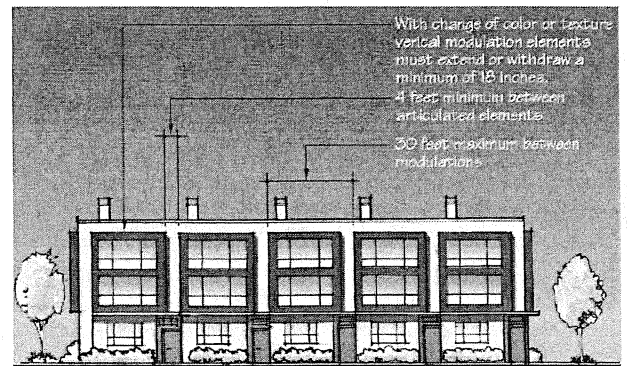


**Figure 21.66-6. Horizontal and Vertical Modulation**

- iii. *Articulation of the building's top, middle, and bottom:* This calls for a ground floor that is distinctive from the middle floors of the building and a top floor that is distinguished by changes in roofline, materials, texture, or fenestration (window placement).
- iv. *Horizontal modulation:* (either a step-back or extension of the building along a horizontal line), minimum horizontal modulation is four feet.
- v. *Change in building material or siding style (may be coordinated with vertical or horizontal modulation).* Use of differ-

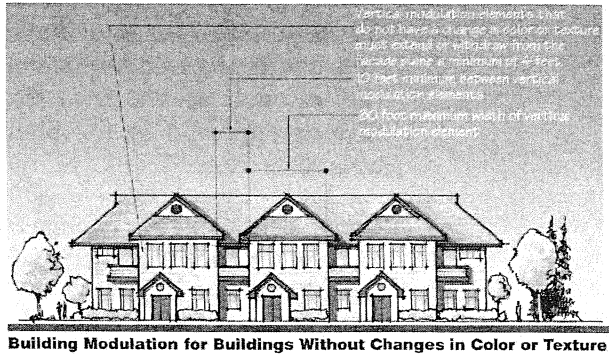
ent materials, such as wood siding, shingles, metal siding, Stucco or EFIS (exterior finish and insulation system), stone, tile, or other materials or texture as approved by the planning director.

- vi. *Use of sloped roofs or change in roofline.* To qualify, sloped roofs shall have a minimum slope of 4:12 (vertical to horizontal). The use of gables, hips and other changes in the slope are encouraged. (See Figure 21.66-9). For buildings with flat roofs, or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10th of the wall height. The change in roofline shall occur at a frequency of no greater than 30 feet as measured horizontally on the front facade. (See Figure 21.66-10).
- vii. Other methods, as approved by the planning director that reduce the scale of multi-family buildings or add visual interest.

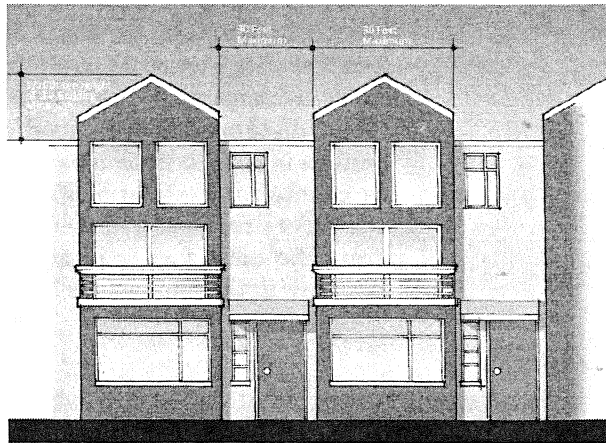


Modulation with Change of Color or Texture

**Figure 21.66-7. Modulation Requirements for Residences with Changes in Color and Texture**



**Figure 21.66-8. Modulation Requirements for Residences Without Changes in Color and Texture**



**Figure 21.66-10 FLAT ROOFS OR COMINATION OF FLAT & SLOPED ROOFS**

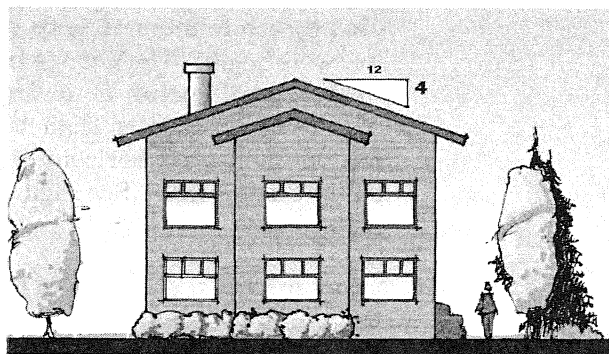
For buildings with flat roofs or a combination of flat and sloped roofs, the roofline shall be modified by a minimum of 1/10 of the wall height. This change in roofline shall occur at a frequency of no greater than 30 feet, as measured horizontally on the front facade.

(AO No. 2009-26(S), § 1, 7-21-09)

**21.66.045 Commercial design standards.**

The following commercial design standards implement recommendations of the Eagle River Central Business District Revitalization Plan, approved in 2003.

- A. *Intent:*
  1. Ensure that commercial buildings add to the liveliness of streets and the overall community character by making buildings, pedestrian spaces and landscaping more prominent than parking lots and free-standing signs.
  2. Encourage walking and bicycling within the core of Eagle River by making pedestrian access convenient, safe and inviting.
- B. *Building orientation, pedestrian, and open space requirements:*
  1. *Distance from the Street:* All new commercial buildings within the Ea-



**Figure 21.66-9. Use of Sloped Roofs USE OF SLOPED ROOFS**

To qualify, use of sloped roofs must have a minimum slope of 4:12 (vertical to Horizontal). The use of gables, hips and other changes in the slope are encouraged.

gle River Overlay District that front on the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be set back not more than 20 feet from the street right-of-way.

2. *An on-site pedestrian circulation system meeting the following standards shall be provided for all new commercial development:*

a. Pathways between individual commercial developments and the street shall meet the material standards for pathways in this section where buildings are not directly adjacent to the public sidewalk. Such pathways shall form a direct connection between the street and buildings fronting on the street. Exceptions may be allowed by the planning director where conditions merit other consideration.

b. The pedestrian circulation system shall connect all main building entrances on the site. For commercial buildings with multiple entrances to individual retail stores, the community sidewalk may be used to meet this standard.

c. Elevated external walkways and external stairways which provide pedestrian access to commercial units located above the ground floor are prohibited. The planning director may allow exceptions for external stairways or walkways located in or facing interior courtyard areas.

3. *Material standards for pathways:*

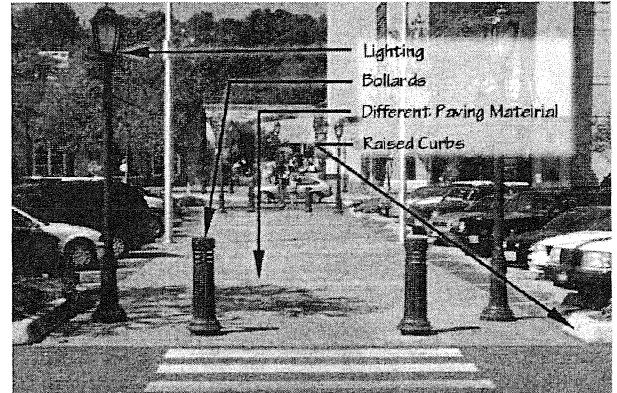
a. The pedestrian circulation system shall be hard-surfaced and at least six feet wide (clear width).

b. The pedestrian circulation system shall be clearly defined and designed so as to be separated from driveways and parking or

loading areas through the use of at least two of the following design features:

- i. Raised curbs;
- ii. Elevation changes;
- iii. Bollards;
- iv. Landscaping;
- v. Paving materials other than asphaltic concrete.

c. If a raised path is used it shall be at least four inches higher than adjacent paving with a transition to the adjacent paving that allows snow removal.



**Figure 21.66-11. Design Features to Clearly Delineate Pedestrian Walks from Adjacent Parking Areas**

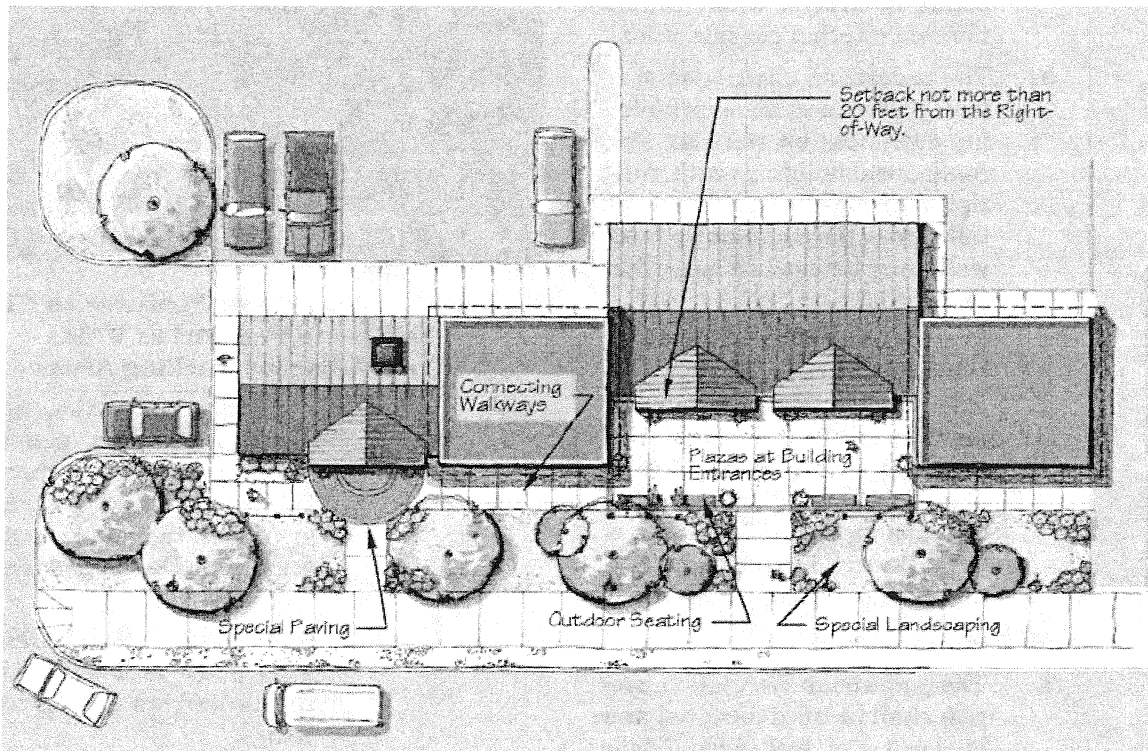
d. Pedestrian connections shall be illuminated with pedestrian scale lighting no higher than 14 feet, meeting the requirements of the Municipality of Anchorage Design Criteria Manual; and

e. No portion of the building may shed snow or meltwater onto the pedestrian circulation system.

4. *Plazas and other open space improvements (See Figure 21.66-12):*

a. New or renovated buildings shall have plazas, courtyards, or other pedestrian spaces at or

- near the building main entrance. At a minimum, these spaces shall be sized at a ratio of one square foot of plaza or other open space per 100 square feet of interior building area.
- b. Plazas or other open spaces shall include at least three of the following:
- i. Permanent special interest landscaping that exceeds the requirements of AMC 21.45.125 by at least ten percent;
  - ii. Special paving, to include colored/stamped concrete, brick, stone, or other unit pavers;
  - iii. Public art with a valuation of at least one-half of one percent of the total construction cost;
  - iv. A coordinated set of site furnishings used throughout the site to include benches, trash receptacles, bike racks and may include tables. Site furnishings shall be commercial grade and fabricated of durable and weather resistant materials;
  - v. Other elements that meet the intent of the standards, as approved by the planning director.



**Figure 21.66-12. Plaza Improvements**



C. *Building design standards.*

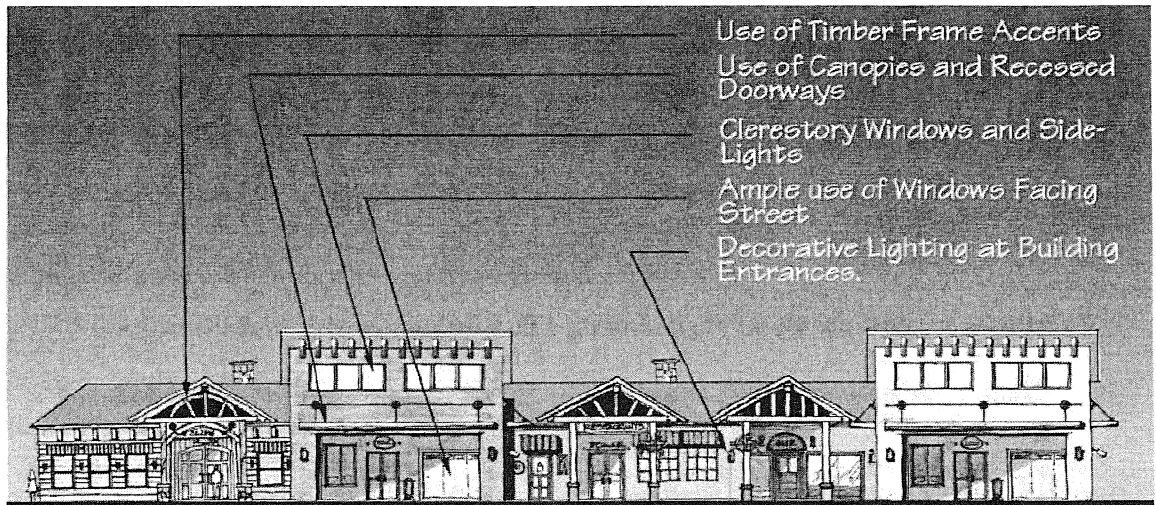
1. *Intent:*

- a. Ensure that commercial buildings add to the liveliness of streets and the overall community character.
- b. Create a design vocabulary that helps to establish continuity within the Eagle River core area.

2. *Building entrances:* The principal building entry shall be prominently visible from the street and marked by at least one element from each of the following groups:

a. *Group A, articulation:*

- i. Recess of at least three feet;
- ii. overhang extending at least five feet;
- iii. Canopy extending at least five feet;
- iv. Portico extending at least five feet;
- v. Porch protruding at least three feet;
- vi. Other elements that meet the intent of the standards, as approved by the planning director.



**Figure 21.66-13. Commercial Development Front Elevation**

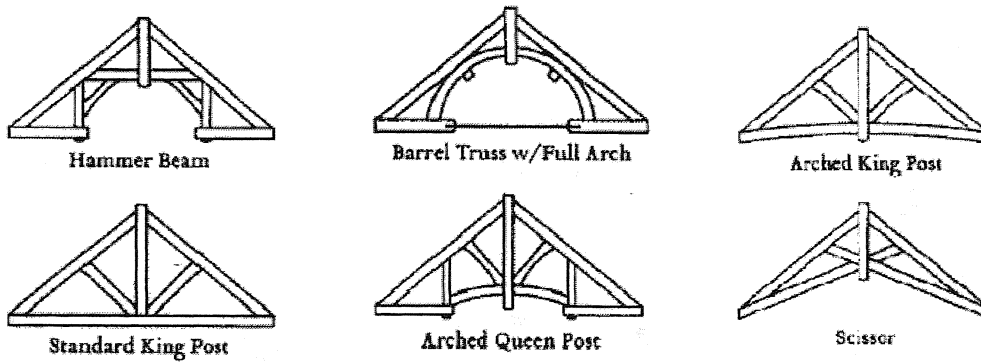
b. *Group B, fenestration and lighting:*

- i. Clerestory window;
- ii. Sidelights (clear glass windows flanking the entry);
- iii. Ornamental light fixtures flanking the entry that are unique to the entry;
- iv. Double entry doors;
- v. Other elements that meet the intent of the standards, as approved by the planning director.

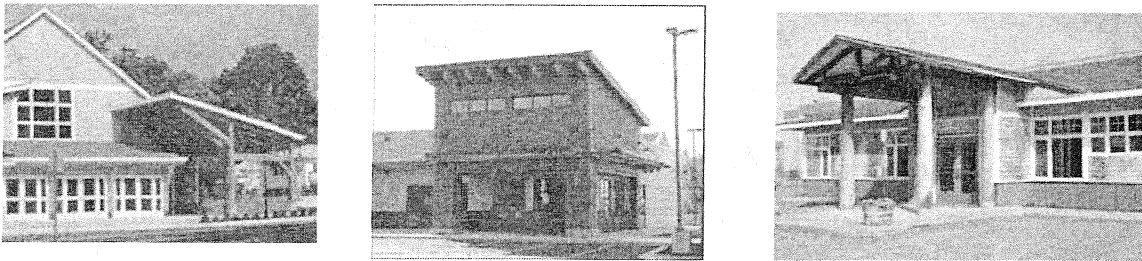
c. *Group C, materials:*

- i. Exposed timber or log columns and trusses for overhangs, canopies, and porticos with stained wooden soffits

- ii. Special paving at entry (see Section 21.66.065A. Plazas and Other Open Spaces)
- iii. Other elements that meet the intent of the standards, as approved by the planning director.



**Figure 21.66-14. Examples of Exposed Timber Trusses**



**Figure 21.66-15. Wood Portions and Canopies are Desired Features**

- 3. *Ground floor transparency requirements:*
  - a. A minimum of 60 percent of any ground floor facade (the portion of the facade between two and 12 feet above grade) facing the Old Glenn Highway, Business Boulevard, or Eagle River Loop Road shall be comprised of windows with clear glass allowing views into the interior of the building. Display windows may be used to meet half of this requirement.
  - b. A minimum of 15 percent of any ground floor facade parallel to any street other than those

named in paragraph a, above, shall be clear glass allowing views into the interior of the building.

- 4. *Building massing and articulation requirements:*
  - a. Buildings shall include horizontal and vertical articulation along the facades parallel to public streets.
  - b. Horizontal facades higher than a single story and longer than 100 feet shall be modulated above the ground floor into smaller units at intervals of no more than 30 feet. Modulation

shall be accomplished through at least two of the following methods:

- i. Changes in roof form;
- ii. Changes in depth of at least two feet for a width of at least eight feet;
- iii. Changes in materials or texture.

D. *Screening standards.*

1. *Intent:* To screen utilitarian elements, such as mechanical equipment, refuse collection receptacles (dumpsters), and service areas from public view

2. *Items that require screening:*

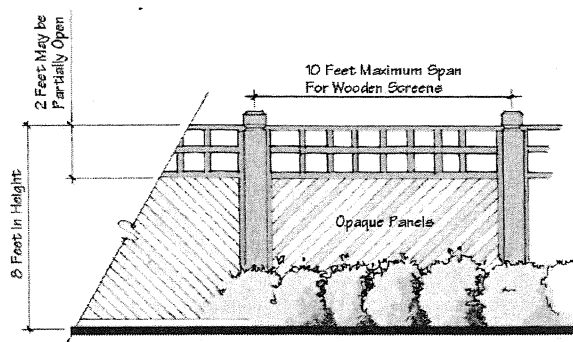
- a. Roof top mechanical equipment;
- b. Outdoor storage areas used in connection with trade, service or manufacturing activities that do not constitute retail display;
- c. Snow removal and maintenance equipment storage;
- d. Storage of recreational vehicles for longer than 48 hours;
- e. Refuse collection receptacles (dumpsters).
- f. Chillers and other mechanical equipment at grade.

3. *Screening requirements:*

- a. *Roof-top mechanical equipment:* Roof top mechanical equipment shall be placed in such a way that it is not visible from public streets. It may be screened by parapet walls for flat roofed buildings, or it may be enclosed in an attic for buildings constructed with sloped roofs. The placement of chillers or other mechanical equipment on grade shall have sight-obscuring screening, six feet in height.
- b. Storage items requiring screening under subsections 21.66.045 D.2.b.—d. above require screens

that are eight feet in height and shall be opaque for six of the eight feet (See Figure 21.66-16).

- i. Screens may be constructed of masonry, wood, metal, or may use the same building material used for the exterior of an adjoining building.
- ii. Screens that are more than 25 feet in length shall be articulated. Articulation may be accomplished by clearly delineating between posts and panels with a change in depth of one inch or greater or a change in materials.
- iii. The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.
- iv. Where space allows, use of landscaping is encouraged.



**Figure 22.66-16. Example of Acceptable Required Screening for Storage Areas**

- c. *Refuse collection receptacles (dumpsters):* Each refuse collection receptacle shall be screened from view on three sides by a durable sight-obscuring enclosure consisting of a solid fence or masonry wall six feet in height. Coordinating the mate-

rials used in the screen with the materials and colors of the associated building is encouraged. The use of chain-link fencing and unfinished plain concrete masonry units is prohibited.

(AO No. 2009-26(S), § 1, 7-21-09)

Chapter 21.67

**WATER POLLUTION CONTROL\***

21.67.010	Declaration of policy.
21.67.020	Department jurisdiction.
21.67.030	Prohibited discharges or acts.
21.67.040	Sewer construction standards.
21.67.050	Storm water runoff restrictions and system plan review.
21.67.060	Fees.
21.67.070	Inspections.
21.67.080	Penalties.
21.67.090	Storm water permits required.

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\***Editor's note**—AO No. 2002-117, § 6, effective Jan. 28, 2003, amended the title of Ch. 21.67 from "Stormwater Discharge" to "Water Pollution Control." See also the Code Comparative Table.

**21.67.010 Declaration of policy.**

It is the policy of the municipality and the duty of the office of planning, development, and public works to abate water pollution to improve the quality of the environment for the residents of the municipality. Anchorage Municipal Code Chapter 21.67 regulates water pollution and storm water discharge and shall be read in conjunction with other provisions of law, including but not limited to chapters 21.85 and 23.15.

(AO No. 2002-117, § 6, 1-28-03)

**21.67.020 Department jurisdiction.**

Unless otherwise indicated, when used in this chapter department means the office of planning, development and public works and director includes any designee.

(AO No. 2002-117, § 6, 1-28-03)

**21.67.030 Prohibited discharges or acts.**

A. No person shall cause or permit the illicit discharge of any of the following in such a manner that access was, is or will be gained to

1. Any waters of the state, or waters of the United States, unless such is first treated in a manner approved by the state and local agencies having jurisdiction; or
2. To a storm sewer of the municipality, other than pursuant to an NPDES permit:
  - a. Grease, fatty materials, offal, or garbage;
  - b. Sand, sand dust, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer;
  - c. Gasoline, benzene, fuel oil, or a petroleum product or volatile liquid;
  - d. Milk or any liquid milk waste products in quantities in excess of ten gallons during any 24-hour period;
  - e. Wax, cyanide, phenols, or other chemical or substances that may cause damage to materials of which the sewer system is constructed;

- f. Wastewater, as defined in section 15.65.010; or
- g. Pollutants or any materials other than storm water which are prohibited by the Clean Water Act, National Pollutant Discharge Elimination System under 33 USC 1342 (1987) and regulations adopted thereunder located at 40 CFR 122, 123 and 124 (1990).

B. *Dumping in watercourse.* No person shall deposit, dump, abandon, throw, scatter, or transport solid waste, garbage, rubbish, junk, fill, soil, dirt or other material in such a manner as to obstruct, impound or cause siltation of any river, stream, creek, watercourse, ditch, drain, or gutter except as otherwise allowed by valid federal, state, or local permits or licenses relative to water pollution, water impoundment, or water quality control.

C. Any person who permits or causes any pollution identified in subsection A. of this section to be illicitly discharged in a manner which permits access to any waters of the state, or waters of the United States, or a municipal storm sewer, or who violates subsection B., shall report such discharge or violation to the municipal watershed manager and shall make available any information or records related to the contents of the substance discharged.

(AO No. 2002-117, § 7, 1-28-03)

**21.67.040 Sewer construction standards.**

No sewer, sewage treatment plant or other facility shall be constructed and no substantial change in any sewer, sewage treatment plant or other sewage facility shall be made until plans and specifications conform with the requirements of the department and the state department of environmental conservation.

(AO No. 2002-117, § 8, 1-28-03)

**21.67.050 Storm water runoff restrictions and system plan review.**

A. The director shall develop, implement, and maintain the Storm Water Treatment Plan Review Guidance Manual, incorporated herein by reference, which shall be used to develop, review,

and approve storm water runoff system plans for projects which discharge storm water into or onto land, surface water, or groundwater within the municipality.

B. Any person who constructs, alters, installs, modifies, or operates a storm water treatment or disposal system shall comply with the Storm Water Treatment Plan Review Guidance Manual established by the director regarding storm water runoff system plan requirements and plan reviews, and if necessary, gather data to confirm storm water conditions.

C. If construction, alteration, installation, modification or operation has not begun within one year after issuance of plan approval, the approval is void, and plans shall be resubmitted to the department for review and approval.

D. The director may, in his discretion, require the submission of site-specific plans, including a schedule and description of all planned discharge activities, for approval. The director may, in his discretion, restrict that approval to certain proposed discharge activities. The applicant shall pay to the department the fee required under section 21.67.060 for each site-specific plan review. The applicant shall pay the fee prior to permit issuance.

E. Any person who performs mechanized land clearing (chainsaws excluded) with no building permit on one or more contiguous undeveloped lots, totaling two acres or more shall obtain a land clearing permit issued by the director and shall comply with the Storm Water Treatment Plan Review Guidance Manual regarding storm water runoff requirements and plan reviews. A temporary native vegetation buffer shall be retained on the perimeter of any undeveloped lot of two acres or more during land clearing equal to or greater than the specified minimum yard setback for that site's zoning district. This buffer shall be at least 15 feet wide on the perimeter of lots in commercial and industrial zoning districts, except where these are adjacent to PLI and/or residential zoning districts, where the temporary buffer shall be a minimum of 30 feet wide. Those buffers of temporary native vegetation in commercial and

industrial zoning districts not essential to the parcel's development shall be retained and protected from disturbance.

F. Water body delineation.

1. *Official definitions and standards.* In cases where water courses or water bodies are not mapped and recorded in official plans or other documents, delineation of such features shall be made according to project management and engineering division procedures, and shall be subject to formal verification by the project management and engineering division.
2. *Water course boundaries.* Water course boundaries shall be delineated at the ordinary high-water mark or, if not readily discernible, the defined bank of the stream, as those terms are defined in Chapter 21.35.020. In those instances where the defined bank of the water course is not readily discernible, the project management and engineering division shall establish the effective ordinary high-water mark. The project management and engineering division shall maintain the official record of all water course boundaries.

G. Snow disposal sites.

1. The director of project management and engineering division shall develop, implement, and maintain the Siting, Design and Operational Controls Manual for Snow Disposal Sites, incorporated herein by reference, which shall be used to develop, review, and approve snow disposal sites which discharge storm water into or onto land, surface water, or groundwater within the municipality.
2. Any person who constructs, alters, installs, modifies, or operates a snow disposal site shall comply with the Siting, Design and Operational Controls Manual for Snow Disposal Sites, established by the director regarding requirements and plan reviews, and if necessary, gather data to confirm storm water conditions.
3. If construction, alteration, installation, modification or operation has not begun

within one year after issuance of plan approval, the approval is void, and plans shall be resubmitted to the project management and engineering division for review and approval.

4. All existing snow disposal sites within two years of the adoption of this ordinance will submit for a plan review of the site under the manual. Any site not in compliance with the manual shall have three years from the date of plan approval to modify the site and bring it into compliance or cease snow disposal operations.

#### H. Snow melter operations.

1. The director shall develop, implement, and maintain the Snow Melter Operations and Plan Review Guidance Manual, incorporated herein by reference, which shall be used to develop, review, and approve storm water runoff system plans for snow melters which discharge storm water into or onto land, surface water, or groundwater within the municipality.
2. Any person who constructs, alters, installs, modifies, or operates a snow melter system shall comply with the Snow Melter Operations and Plan Review Guidance Manual established by the director regarding storm water runoff system plan requirements and plan reviews, and if necessary, gather data to confirm storm water conditions.
3. The department has sole discretion to determine the number of effective discharge points represented by an application for a snow melter discharge permit and to determine the type of site management required. In assessing the number of effective discharge points serving a site or group of sites and the applicable site management strategy, the department may consider:
  - a. The position of a discharge point on a headwater or other sensitive storm drain network;
  - b. The presence of related discharge points on the same local branch of a storm drain network;
  - c. The presence of a common receiving water for a related group of discharge points on the same storm drain network; and
  - d. The history of any snow melter operations at those sites.
4. If construction, alteration, installation, modification or operation has not begun within one year after issuance of plan approval, the approval is void, and plans shall be resubmitted to the project management and engineering division for review and approval.
5. Permit application, amendment and renewal fees are non-reimbursable. Management and inspection fees may be reimbursed for each effective discharge point only under the following conditions:
  - a. Application for reimbursement of management and inspection fees for a discharge point is received by the department prior to 5:00 p.m. on the first Monday in December; and
  - b. The department has not received any notification of proposed operations, nor any actual performance of snow melter operations have taken place at any discharge location of an effective discharge point, at the time of request for reimbursement.

(AO No. 2002-117, § 9, 1-28-03; AO No. 2005-179, § 1, 2-28-06; AO No. 2010-81(S-1), §; 47, 12-7-10, eff. 1-1-11)

#### **21.67.060 Fees.**

A. A fee schedule, as follows, is hereby established for site and stormwater plan reviews and inspections. A municipal building, land use permit, or storm water permit will not be issued without prior payment of the fees set out below. Inspections shall not be deemed completed until the fees for such inspections have been paid.



B. Fees for site and stormwater plan review and inspections. The site, inspection and stormwater plan review fee for buildings, structures, snow disposal sites, snow melters, utilities, fill, excavation, clearing and grubbing, or grading shall be:

1. *For commercial buildings and structures:*

Area of land disturbance	Plan Review Fee
Less than 500 square feet	No fee
Greater than or equal to 500 square feet	\$650.00

2. *For single family/duplex dwellings:*

Area of land disturbance	Plan Review Fee
Less than 500 square feet	No fee
Greater than or equal to 500 square feet	\$100.00

3. *For fill, excavation, land clearing, or grading:*

Area of Land Disturbance	Plan Review Fee
Less than 500 square feet	No fee
Greater than 500 square feet	\$550.00

4. *Inspection fees:*

<i>Commercial permits:</i>	
Commercial permits	\$600.00
Commercial permit, construction sites disturbing 10,000 square feet or more, or which are part of a larger common plan of development and are not greater than five acres, and are not a significant threat to water quality	\$600.00 per year
Commercial permit, construction sites disturbing 10,000 square feet or more or are part of a larger common plan of development, and are determined to be a significant threat to water quality	\$1,600.00 per year
Commercial permit, construction sites disturbing five acres or more	\$1,600.00 per year
<i>Single family/duplex permits:</i>	
Single family/duplex	\$200.00
Single family/duplex, construction sites disturbing between 10,000 square feet or more or which are part of a larger common plan of development and are not greater than five acres, and are not a significant threat to water quality	\$200.00 per year

<i>Commercial permits:</i>	
Single family/duplex, construction sites disturbing 10,000 square feet or more or are part of a larger common plan of development, and are determined to be a significant threat to water quality	\$800.00 per year
Single family duplex construction sites, five acres or larger of disturbance	\$1,600.00 per year
Re-inspection	\$175.00

5. *Snow disposal site review:*

Snow disposal site plan review	\$500.00/site
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6. *Water body delineation fee:*

0 to 2 acres	\$150.00/permit
2 to 5 acres	\$300.00/permit
5 to 20 acres	\$500.00/permit
More than 20 acres	\$1,000.00/permit
Verification of private party mapping	50% of the prescribed mapping fee by acreage
Re-verification of private party mapping	\$100.00 per hour, ½ hour minimum charge

7. *Snow melter permit fees and site review:*

<i>PERMIT APPLICATION FEES</i>	
<i>New permit application:</i>	
Application review	\$250.00 per permit
Drainage system operator review	\$50.00 per site
Site field inspection	\$250.00 per site
Equipment review	\$250.00 per each new equipment review
<i>Permit renewal/amendment:</i>	
Application review	\$250.00 per permit
Drainage system operator review	\$50.00 per site
Renewed site field inspection	\$50.00 per site
New site field inspection	\$250.00 per site
Equipment review	\$250.00 per each new equipment review
<i>PERMIT OPERATIONS FEES</i>	
<i>Permit compliance oversight:</i>	
Department compliance oversight	\$350.00 per permit
<i>Operations inspections:</i>	
Site w/good operational detail	\$100.00 annually per site
Site w/limited operational detail	\$500.00 annually per site
Site w/no operational detail	\$1,000.00 annually per site

8. *Utilities:*

<i>Plan review fees:</i>	
Utility, less than 500 square feet of disturbance but more than five feet in depth	\$100.00/permit
Utility, 500 to 9,999 square feet of disturbance:	\$200.00/permit
Utility, 10,000 square feet or greater of disturbance:	\$400.00/permit
<i>Inspection fees:</i>	
Utility, all sites less than 10,000 square feet:	\$100.00/permit
Utility, sites disturbing 10,000 square feet or more or which are part of a larger common plan of development and are not greater than five acres, and are not a significant threat to water quality:	\$600.00 per year
Utility, sites disturbing 10,000 square feet or more or are part of a larger common plan of development, and are determined to be a significant threat to water quality:	\$1,600.00 per year
Utility, five acres or larger of disturbance:	\$1,600.00 per year

9. *Other fees:*

a. Additional storm water treatment plan review required for changes, additions, or revisions to approved plans:	\$100.00 per hour with one-half hour minimum charge.
b. Storm water treatment plan site investigations or inspections:	\$100.00 per hour with one-hour minimum charge.
c. Code compliance inspections:	\$100.00 per hour per inspector with one-hour minimum charge.
d. Requested code compliance inspections outside normal business hours:	\$100.00 per hour with two-hour minimum charge.
e. Requested code compliance inspections on Sundays and holidays:	\$150.00 per hour with two-hour minimum charge.
f. Storm water permit (non-specific):	\$200.00/permit

C. The director may authorize refunding of a fee paid hereunder, which was erroneously paid or collected, or refunding not more than 80 percent of the fee paid when an application for a permit is withdrawn or canceled before any examination time has been expended.

D. The director shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 360 days after the date of fee payment. (AO No. 2002-117, § 10, 1-28-03; AO No. 2003-152S, § 27, 1-1-04; AO No. 2010-81(S-1), § 18, 12-7-10, eff. 1-1-11)

**21.67.070 Inspections.**

A. *Inspections authorized.* The director or law enforcement officials may, without an administrative inspection warrant, during the normal working hours of a business or activity, and upon presentation of proper identification, inspect those nonresidential facilities, construction sites, premises, or areas for the purpose of determining whether the owner or operator thereof is conducting that business or activity in accordance with the specific requirements of this chapter. If inspection or access is denied, any permits issued under this chapter may be immediately suspended until an inspection is conducted. Permittees, owners or operators shall immediately stop all work upon the site being posted with a stop work order for failure to allow inspection. Fees for inspections shall be paid in accordance with section 21.67.060.

B. *Administrative inspection warrants.* No inspection for which a warrant would be required under the constitution of the state or the United States may be conducted under this section unless the director or law enforcement officials first obtains an administrative inspection warrant authorizing that inspection, and if possible exhibit the warrant to the owner or operator of the activity. In cases where it is constitutionally required, the director or law enforcement officials shall apply to the trial courts of the state for inspection warrants and shall state the name and address of the controlled premises to be inspected, the authority to make the inspection, the nature and extent of the inspection, and the facts demonstrating the need for the administrative inspection. The court shall issue a warrant if it finds that issuance is constitutionally permissible. Warrants issued under this section shall be exhibited to persons in control of premises described in the warrant and shall be executed peaceably, without

violence or harm to persons or property, if possible. Warrants issued under this section shall be returned to the court within ten days.

C. *Production of records.* At the request of the director or law enforcement officials, and during normal working hours, owners or operators of facilities, construction sites, premises, or areas, or persons having custody of such records shall produce and make available for inspection and copying all records or information required to be maintained or reported under the provisions of this chapter.

D. *Inspection without warrant.* In addition to inspections of facilities under subsections A through C of this section, the director or any law enforcement official, may, without an administrative inspection warrant, inspect any property or facilities suspected as the source of illicit discharges in violation of 33 USC 1342 (1987), as amended. If a warrant is constitutionally required, then it must comply with the requirements of subsection B of this section.

E. *Inspection prior to work.* All construction or development requiring the installation of storm water treatment methods shall be inspected, as resources allow, prior to any demolition or construction activity on the site, including the removal of vegetation commonly known as clearing and grubbing.

(AO No. 2002-117, § 11, 1-28-03)

#### **21.67.080 Penalties.**

A. All sites operating without approved and properly installed storm water treatment methods may be immediately posted with a stop work order and shall pay double fees for all required permits or inspections under this chapter, in addition to any fines which may be assessed. In addition to any other remedy permitted by law, including injunctive relief, fines may be assessed for failure to have a permit or approved plan, failure to allow inspections, or failure to obey a properly issued stop work order.

B. Any person who negligently or intentionally permits or causes a discharge in violation of this chapter shall, upon conviction, be subject to a civil fine penalty of up to \$1000.00, or injunctive relief

to cease the violation, or both. In addition to any fine assessed under this section, any person who violates any provision of this chapter or any rule or regulation adopted pursuant to this chapter shall be subject to a further civil penalty of up to double the cleanup and remediation costs incurred as a result of the violation.

C. Any person who permits or causes a discharge in violation of this chapter shall be strictly liable, regardless of intent, for the full amount of any fines or other liquidated penalties incurred by the municipality for any violations of federal law which are caused by the discharge.

(AO No. 2002-117, § 12, 1-28-03)

#### **21.67.090 Storm water permits required.**

A. The following activities require a storm water permit in the municipality, unless the activity is conducted under a building permit or land use permit. The storm water plan review and inspection requirements shall be part of a building permit or land use permit, if applicable.

1. Ground disturbing activity greater than 500 square feet in area or more than five feet in depth from the existing grade. This does not include gardening or agricultural activity. Gardening and agricultural activities are still subject to state, federal and local laws.
2. Construction, alteration, installation, modification, or operation of a storm water treatment or disposal system.
3. Construction, alteration, installation, modification, or operation of a snow melter system.
4. Construction, alteration, installation, modification, or operation of a snow disposal site. The municipality and the Alaska Department of Transportation are exempt from this provision.

(AO No. 2010-81(S-1), § 48, 12-7-10, eff. 1-1-11)

## Chapter 21.70

### MOBILE HOME PARKS\*

21.70.010	Definitions.
21.70.020	Applicability of chapter.
21.70.030	Permit (Repealed).
21.70.040	Compliance with applicable regulations.
21.70.050	Mobile home spaces.
21.70.060	Electrical power.
21.70.070	Streets and drainage facilities.
21.70.080	Water and sewage systems.
21.70.090	Additions to mobile homes; accessory buildings.
21.70.100	Refuse collection.
21.70.110	Fuel tanks.
21.70.120	Campers and travel trailers.
21.70.130	Convenience establishments.
21.70.140	Responsibility for compliance.
21.70.150	Nonconforming mobile home parks.

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\*Cross references—Fines, § 14.60.030; standards regarding mobile home parks, § 21.50.120; mobile home construction standards, ch. 23.35.

**21.70.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Addition* means an enclosed structure of conventional construction, or a prefabricated enclosed mobile home unit, attached and appurtenant to a mobile home.

*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.

*Cul-de-sac* means a minor street with a permanent turnaround at its end, which turnaround has a greater diameter than the width of the right-of-way.

*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.

*Duplex mobile home* means a mobile home designed for occupancy by two families and containing two separate dwelling units. A doublewide mobile home is not a duplex mobile home unless it contains two separate dwelling units.

*Major street* means a right-of-way designed to collect and distribute a heavy volume of traffic, which, in the case of this chapter, means the traffic generated by 100 or more mobile home spaces.

*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, which, in the case of this chapter, means less than 100 mobile home spaces.

*Mobile home* means a detached single-family dwelling unit, regardless of the dimensions of the dwelling unit, with the following characteristics:

1. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or showerbath 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.

*Mobile home park* means any parcel or adjacent parcels of land in the same ownership which are managed for occupancy by more than two mobile homes. The term does not include tourist facilities for travel trailers or campers.

*Permit* means the license issued for and allowing the establishment and management of mobile home parks as defined in this chapter.

*Right-of-way* means land set aside for the accommodation of traffic movements, whether dedicated or not.

*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.

*Travel/trailer* means a vehicular portable structure designed for short-term occupancy as a temporary dwelling for travel, recreational and vacation uses.

(GAAB 21.20.030; AO No. 85-44)

**Cross reference**—Definitions and rules of construction generally, § 1.05.020.

**21.70.020 Applicability of chapter.**

Except as provided in section 21.70.150, all mobile home parks within the municipality 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.

(CAC 6.60.020; GAAB 21.20.040—21.20.050)

**21.70.030 Permit (Repealed).**

(CAC 6.60.070; GAAB 21.20.050; AO No. 87-154(S); AO No. 93-186(S), § 2, 2-22-94; AO No. 2004-1, § 1, 1-1-03)

**21.70.040 Compliance with applicable regulations.**

Mobile home parks shall be constructed, operated and maintained in conformance with all applicable state and local statutes, ordinances or regulations; provided, however, that the provisions of chapter 21.55 shall not be applied to prohibit the removal and replacement of a mobile home on a space within a mobile home park subject to that chapter.

(CAC 6.60.050; GAAB 21.20.060; AO No. 85-44; AO No. 87-154(S))

**21.70.050 Mobile home spaces.**

A. *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 size.* 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, or no closer than ten feet if that mobile home, accessory building, or its addition being placed meets NFPA 501A and HUD #24CFR3280 standards. An accessory building to a mobile home may be placed closer to that mobile home or its addition. All mobile homes and accessory structures shall be placed at least five

feet from the front space line. The provisions of sections 21.45.030 and 21.45.070 shall not apply to mobile home parks. Steps shall not be considered in determining the separations required by this subsection.

D. *Access.* Each mobile home space shall have direct access to an internal street. Direct access to exterior public streets shall be discouraged.

(GAAB 21.20.070, 21.20.100; AO No. 85-44; AO No. 96-50, § 1, 5-28-96)

**21.70.060 Electrical power.**

All mobile home spaces shall be serviced by a 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.

(CAC 6.60.080; GAAB 21.20.080)

**21.70.070 Streets and drainage facilities.**

A. *Street 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 width.* 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 rights-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 have 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 to 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 six percent. Street grades within 100 feet of intersections shall not exceed four percent.

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

I. *Drainage.* All spaces and streets shall be designed to ensure proper drainage. All areas of the mobile home park shall be designed to prevent the accumulation of standing groundwater.

J. *Crosswalks.* Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities.

(GAAB 21.20.080)

#### **21.70.080 Water and sewage systems.**

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 Additions to mobile homes; accessory buildings.**

A. *Generally.* All additions and accessory buildings shall be subject to the 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.

1. The height of accessory buildings is limited to that of the underlying use district.

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

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.

(CAC 6.60.110; GAAB 21.20.120; AO No. 2007-154(S), § 1, 2-26-08)

#### **21.70.100 Refuse collection.**

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. (GAAB 21.20.140)

#### **21.70.110 Fuel tanks.**

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 Campers and travel trailers.**

Occupied campers and travel trailers are not subject to sections 21.70.050 and 21.70.080. 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 barber-shops, 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 ten percent 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 Responsibility for compliance.**

Complete responsibility for standards established by this chapter and for construction within a mobile home park shall rest with the owner of such park.

(GAAB 21.20.120)

**21.70.150 Nonconforming mobile home parks.**

A. Those mobile home parks situated within the boundaries of the former City of Anchorage which existed prior to August 30, 1977, are not subject to sections 21.70.050 and 21.70.070, provided that such parks meet the standards set forth in the former City of Anchorage Municipal Code sections 6.60.010 through 6.60.110.

B. Those mobile home parks situated in any area of the municipality other than that described in subsection A of this section which existed prior to 1966 are not subject to the requirements of sections 21.70.050, 21.70.070 and 21.70.090 within the area and to the extent that it was constructed, operated or maintained prior to that date.

C. Any mobile home park exempt from certain sections of this chapter as provided in subsections A and B of this section 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.

(GAAB 21.20.170; AO No. 87-154(S))



## Chapter 21.75

### SUBDIVISION STANDARDS: GENERAL PROVISIONS\*

21.75.010	Plat approval.
21.75.015	Purpose. (Repealed)
21.75.020	Scope and applicability of subdivision regulations.
21.75.025	Exceptions. (Repealed)
21.75.030	Administration—Application. (Repealed)
21.75.035	Definitions and rules of construction.

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\*Cross references—Fines, § 14.60.030; standards regarding on-site waste water disposal systems in subdivisions, § 15.65.180; procedure for obtaining variances, conditional uses, subdivision approval and other special land use permits, ch. 21.15; tidelands, 25.50.

**21.75.010 Plat approval.**

A. The platting authority may approve a preliminary or final plat only if it finds that the plat:

1. Conforms to chapters 21.75 through 21.85 and any regulations adopted thereunder;
2. Promotes the public health, safety and welfare;
3. Mitigates the effects of incompatibilities between the land uses or residential densities in the subdivision and the land uses and residential densities in the surrounding neighborhood, including but not limited to visual, noise, traffic and environmental effects;
4. Provides for the proper arrangement of streets in relation to existing or proposed streets;
5. Provides for adequate and convenient open space;
6. Provides for the efficient movement of vehicular and pedestrian traffic;
7. Ensures adequate and properly placed utilities;
8. Provides access for firefighting apparatus;
9. Provides recreation, light and air and avoids congestion;
10. Facilitates the orderly and efficient layout and use of the land; and
11. Furthers the goals and policies of the comprehensive development plan and conforms to the comprehensive development plan in the manner required by chapter 21.05.

B. The platting authority may impose conditions upon the approval of a preliminary or final plat that it finds necessary to conform the plat to the standards in subsection A of this section.

(GAAB 21.10.010.B; AMC 21.75.015; AO No. 83-142; AO No. 85-22)

**21.75.015 Purpose.** (Repealed)

(AO No. 83-142)

**21.75.020 Scope and applicability of subdivision regulations.**

A. *Generally.* Except as provided in subsections B and C of this section, chapters 21.75 through

21.87 govern all subdivisions or resubdivisions which result in the partitioning, dividing, combining or altering of any lot, parcel or tract of land, including subdivisions or resubdivisions created by an exercise of the power of eminent domain by an agency of the state or municipality.

B. *Existing lots of record.* No provision of chapters 21.75 through 21.87 applies to any lot in a subdivision legally created and filed of record before the effective date of the provision, unless the lot is further subdivided or resubdivided. 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 that approval and with chapters 21.85 and 21.87.

**C. Discretionary exceptions.**

1. The platting authority may exempt from a land survey and from the requirements of chapters 21.80 and 21.85 subdivisions resulting in parcels of at least 40 acres in area, neither requiring the dedication of streets and easements nor creating physically or legally landlocked areas. There shall be no exemption from the requirement to submit and record a plat.
2. The platting authority may exempt a subdivision from the requirements of chapters 21.80 and 21.85 when it finds that after a public hearing that:
  - a. Each parcel in the subdivision will have adequate physical and legal public access to a public highway or street;
  - b. Each parcel in the subdivision is five acres in size or larger and that the land is divided into four or fewer parcels;
  - c. The subdivision is not made for the purpose of, or in connection with, a present or projected subdivision development; and
  - d. No dedication of a street, alley, thoroughfare or other public area is involved or required.

The waiver shall be in the form of a resolution of the platting authority and shall be filed with the district recorder.

(GAAB 21.10.010.D, E, 21.10.070; AMC 21.75.020, 21.75.025; AO No. 83-142)

**21.75.025 Exceptions.** (Repealed)  
(AO No. 83-142)

**21.75.030 Administration—Application.** (Repealed)  
(AO No. 83-142)

**21.75.035 Definitions and rules of construction.**

A. For the purpose of chapters 21.75 through 21.87 and sections 21.15.100 through 21.15.135, 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. As used in chapters 21.75 through 21.87 and in sections 21.15.100 through 21.15.135:

*Addition* means a parcel of land which is platted adjacent to an existing subdivision and which has the same name.

*Aliquot part* means the division of a surveyed section of land, without reference to bearing or distance, into square or rectilinear 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.

*As-built plans* means revised construction plans in accordance with all approved field changes reflecting the improvements on site as they actually exist.

*Bed of a stream* means that portion of a stream utilized for water flow during nonflood periods, normally extending from the thalweg (low point) to each bank.

*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.

*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.

*Certificate to plat* means a certificate prepared by a title company authorized by the laws of the state to write the title, 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.

*Commercial development* means a planned commercial center designed specifically for commercial use.

*Commercial subdivision* means a subdivision, or that part of a subdivision, that is within the B-1A, B-1B, B-2A, B-2B, B-2C, B-3, R-O or MC zoning districts.

*Commercial tract* means an existing lawfully subdivided single lot or tract designated by the platting board under section 21.15.134 as a commercial tract which may be further divided into fragment lots.

*Commercial tract site plan* means a map of a commercial tract depicting building footprints, parking areas, landscaping, driveway access points to the property, site drainage and any fragment lots to be contained within the commercial tract.

*Construction* includes design, engineering, contract administration and work, labor and materials furnished for a public improvement.

*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 subsection 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.

*Easement* means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

*Engineer* means a registered professional civil engineer authorized to practice engineering in the state.

*Final acceptance* means acceptance by the municipality, at the completion of construction, of a public improvement constructed under terms of a subdivision agreement.

*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 chapter 21.60.

*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.

*Grid* means the 100-scale grid designation as established by the municipality.

*Hillside lot* means a lot of which 60 percent of the platted area exceeds a 15 percent slope.

*Improvements* means 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.

*Industrial development* means a planned industrial area designed specifically for industrial use.

*Industrial subdivision* means a subdivision, or that part of a subdivision, that is within the I-1, I-2, I-3 or MI zoning district.

*Legal access.* Having legal access means being adjacent to a roadway as described in section 9.04.010.

*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* and *double-frontage lot* mean 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 midpoint 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 the 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.

*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 this description is a front lot line 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, the rear lot line is 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.

*Monument* means a permanent survey control point.

*Parcel* means an unsubdivided plot of land.

*Physical access.* Having physical access means being adjacent to a road suitable for travel by passenger automobiles that is connected to the publicly dedicated and improved transportation network of the municipality.

*Planning commission* means the municipal planning and zoning commission.

*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 of 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.

*Platting authority* means the municipal platting board, or any other board so designated by the assembly.

*Platting officer* means a member of the department of community planning and development staff who has been assigned primary responsibilities for reviewing plats and making recommen-

dations to the platting authority, and who has been so designated by the director of the department of community planning and development.

*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.

*Public utility* means any person or organization subject to regulation under AS 42.05.

*Residential subdivision* means a subdivision, or that part of a subdivision, that is within an R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, R-9, R-10, R-11, D-2, D-3 or T zoning district.

*Resubdivision* means the redelineation of an existing lot, block or tract of a previously recorded subdivision involving the change of property lines 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 or easements.
- b. *Combination* means the elimination of interior lot lines not involving the vacation of dedicated streets, easements or public areas.

*Right-of-way* means land reserved, used or to be used for a street, alley, walkway or other public purpose.

*Salvageable improvements*, as used in section 21.87.025.E, describes 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.

*Sidewalk* means an improved right-of-way for pedestrian circulation that is part of the street right-of-way.

*Street* means a right-of-way improved for vehicular and pedestrian travel. The following define different types of streets:

- a. *Access street* means a street constructed to provide physical access to a subdivision.
- b. *Alley* means a public right-of-way providing secondary access to abutting properties.
- c. *Commercial street* means an interior street in a commercial subdivision.
- d. *Cul-de-sac street* means a street 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.
- e. *Interior street* means a street contained entirely within the boundaries of a subdivision.
- f. *Peripheral street* means a street parallel to the boundary of a subdivision and whose right-of-way contains that boundary.
- g. *Residential street* means an interior street in a residential subdivision.
- h. *Stub street* means a dead-end interior street provided for eventual extension onto unplatted land.

*Subdivider, owner, proprietor and developer* mean 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. The terms shall also include all heirs, assigns or successors in interest, or representatives of the subdivider, owner, proprietor or developer.

*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 resubdivision, and, when appropriate to the context, the process of subdividing or the land subdivided.

*Submission date with platting authority* means that date when the department of community planning and development accepts a fee for the submission of a plat.

*Surveyor* means a land surveyor who is registered in the state.

*Tax parcel* means an area of land shown as a unit or as continuous units on the current municipal real property tax roll.

*Thread of a stream* means a line following the thalweg (low point) of a stream.

*Topographic map* means a map showing the land form by the use of contour lines.

*Townhouse unit* means one or more rooms physically arranged so as to create an independent housekeeping unit for occupancy by one family with separate toilets and facilities for cooking and sleeping located in a townhouse development on a platted townhouse lot.

*Tract* means an area of land which has been defined, but has not been designated by lot and block numbers.

*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.

*Vacation* means the act of making legally void any right-of-way, easement, public area or other public interest.

*Walkway* means a right-of-way, dedicated to public use, which crosses within a block to facilitate pedestrian access to adjacent streets and properties.

*Warranty period* means the period for which a subdivider's warranty remains in effect under section 21.87.037.

(GAAB 21.10.020; AO No. 78-50; AO No. 82-16; AO No. 82-49; AO No. 83-142; AO No. 84-32; AO No. 85-18; AO No. 85-23; AO No. 85-166; AO No. 85-173; AO No. 91-90(S); AO No. 96-124, § 4, 10-1-96)

*Cross reference*—Definitions and rules of construction generally, § 1.05.020.

Chapter 21.80

**SUBDIVISION STANDARDS: DEDICATION, RESERVE TRACTS AND DESIGN\***

21.80.010	Dedication—Streets.
21.80.020	Dedication—Alleys.
21.80.030	Dedication—Walkways.
21.80.040	Dedication—Stream maintenance and protection easements.
21.80.050	Dedication—Utility easements.
21.80.060	Dedication—Trails.
21.80.100	Reserve tracts—Designation.
21.80.110	Reserve tracts—Time for acquisition.
21.80.200	Design standards—Legal and physical access.
21.80.210	Design standards—Street grades.
21.80.220	Design standards—Street alignment.
21.80.230	Design standards—Street intersections.
21.80.240	Design standards—Culs-de-sac.
21.80.250	Design standards—Alleys.
21.80.260	Design standards—Street names.
21.80.270	Design standards—Street addresses.
21.80.280	Design standards—Block arrangement.
21.80.290	Design standards—Block length.
21.80.300	Design standards—Lot dimensions.
21.80.310	Design standards—Zero lot line subdivisions. (Repealed)
21.80.320	Design standards—Lot lines.
21.80.330	Design standards—Lot frontage and access.
21.80.340	Design standards—Buffer or screening landscaping.
21.80.350	Design standards—Reserve strips.
21.80.360	Design standards—Hillside lots.
21.80.370	Design standards—R-10 district.
21.80.380	Design standards—Phasing schedule.
21.80.390	Design standards—Conformity to general subdivision standards.
21.80.400	Design standards—Electrical and telecommunication utilities.

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\*Cross reference—Fines, § 14.60.030.

**21.80.010 Dedication—Streets.**

A. Except as provided in section 21.15.030.I, all street rights-of-way shall be dedicated to the public.

B. Street right-of-way widths shall conform to the official streets and highways plan and the official street and highway landscape plan, provided that the maximum dedication width that may be required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.

C. The platting authority may approve the dedication of a half street only when the other half of the street has been dedicated or when the platting authority reasonably anticipates that the other half of the street will be dedicated. When a subdivision borders a dedicated half street, the platting authority shall require the dedication of the other half of the street, unless it determines that the street would be unnecessary or undesirable.

D. When a subdivision borders or contains a street designated an arterial on the official streets and highways plan, the platting authority may require the dedication of a frontage street when it finds that a frontage street is necessary to protect adjoining properties and to separate local and through traffic.

(GAAB 21.10.040.A; AMC 21.80.015, 21.80.020, 21.80.055; AO No. 83-142)

**21.80.020 Dedication—Alleys.**

The platting authority may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading or parking. The minimum width of an alley right-of-way shall be 20 feet.

(GAAB 21.10.040.A; AMC 21.80.060; AO No. 83-142)

**21.80.030 Dedication—Walkways.**

The platting authority may require the dedication of pedestrian walkways where it finds that pedestrian walkways are necessary to convenient

pedestrian circulation or to protect pedestrians from hazardous traffic. The minimum width of a walkway dedication shall be ten feet.

(GAAB 21.10.040.B; AMC 21.80.070; AO No. 83-142)

**21.80.040 Dedication—Stream maintenance and protection easements.**

A. The platting authority shall require the dedication of stream maintenance and protection easements where a river, stream, creek, important surface watercourse or drainage course traverses or is adjacent to the subdivision. The easement shall conform substantially to the line of the stream. Subject to subsection B of this section, the width of the easement shall be that which the platting authority finds necessary to provide access to widen, deepen, slope, improve and maintain the stream, and to protect the stream and adjacent property from soil erosion, flooding, water pollution, and destruction of fish and wildlife habitat.

B. All stream maintenance and protection easements shall be at least 25 feet wide on either side of the stream, measured landward from the outer edge of the stream bed, identified by the ordinary high-water mark; provided that all stream maintenance and protection easements along watercourses or drainage courses less than five feet at ordinary high water shall be at least 25 feet wide, on either side of the thread of the stream.

C. Within a stream maintenance and protection easement, all structures, and uses of land and structures, shall conform to section 21.45.210. (GAAB 21.10.040.C; AMC 21.80.075.B; AO No. 83-142; AO No. 85-57)

**21.80.050 Dedication—Utility easements.**

The platting authority may require the dedication of utility easements when a utility company demonstrates a specific need for them or an easement is needed to accommodate the routing included in the utility corridor plan.

Whenever possible, utilities shall be placed in dedicated rights-of-way except where that placement conflicts with a municipal or state transportation project identified in the long range trans-



portation plan. Utility easements along rear lot lines shall be at least ten feet wide, or a total of 20 feet wide along adjoining rear lots. Utility easements along side lot lines shall be five feet wide, or a total of ten feet wide along adjoining side lots. Where a front yard easement is needed to accommodate a transmission utility, which is included in the utility corridor plan, the easement shall generally be ten feet wide. The platting authority may require wider utility easements along the rear lot lines of hillside lots.

(GAAB 21.10.040.C, H; AMC 21.80.075.A, 21.80.175; AO No. 83-142; AO No. 90-13(S))

#### **21.80.060 Dedication—Trails.**

The platting authority shall require the dedication of an easement for a trail designated on adopted municipal plans when it finds that the trail cannot be located in an existing dedicated easement or right-of-way. The platting authority may modify the alignment, width and scope of trail easements as necessary to integrate trail and subdivision design.

(GAAB 21.10.040.G; AMC 21.80.130; AO No. 83-142)

#### **21.80.100 Reserve tracts—Designation.**

##### **A. The platting authority:**

1. May require that an area designated as a park, playground or open space on an officially adopted park plan, or as a school site pursuant to section 25.20.055; and
2. Shall require that a wetland designated for preservation in the wetlands management plan;

be designated as a reserve tract. The designation shall be supported by a report from the department of community planning and development containing a statement from the municipal department responsible for implementing the plan that it intends to attempt to purchase the designated area within the period allowed under section 21.80.110.

B. Special, natural or manmade features of historical significance in a proposed subdivision which enhance or have unique value to the com-

munity may be set aside in a reserve tract for acquisition or voluntarily dedicated to the public. (GAAB 21.10.040.G; AMC 21.80.135, 21.80.140; AO No. 83-142; AO No. 92-49)

#### **21.80.110 Reserve tracts—Time for acquisition.**

Within 15 months of the filing of a final plat or the period of the school site designation provided by section 25.20.055.B, whichever is earlier, the municipality or any other public or private agency may acquire any parcel designated as reserve tract on the plat, by purchase or as otherwise authorized by law, for the purpose for which the parcel was reserved under section 21.80.100. If a reserve tract is not acquired within such time, it shall be released from the reserve tract designation, unless the time for acquisition is extended by the reserve tract's owners or by another provision of law. In consideration of the reservation, the municipality shall pay the owners of the reserve tract an amount equal to the municipal real property taxes that accrue on the reserve tract during the period of reservation.

(GAAB 21.10.040.G; AMC 21.80.145; AO No. 83-142; AO No. 92-49)

#### **21.80.200 Design standards—Legal and physical access.**

A subdivision shall have legal and physical access.

(GAAB 21.10.040.E; AMC 21.80.115; AO No. 83-142)

#### **21.80.210 Design standards—Street grades.**

A. Streets shall be arranged properly in relation to topography to provide usable lots, safe streets, reasonable gradients and minimum damage to terrain and existing vegetation.

B. Except as provided in subsection C of this section, cul-de-sac turnaround grades shall not exceed five percent, and other street grades shall not exceed ten percent.

C. Residential street grades in a subdivision containing hillside lots shall not exceed 15 percent. Any street grade exceeding ten percent shall be on a straight alignment no more than 100 feet

long; provided that the department of public works may allow the grade to be longer where required by topographic conditions and consistent with sound design principles.

(GAAB 21.10.040.A, H; AMC 21.80.025, 21.80.035, 21.80.165; AO No. 83-142)

**21.80.220 Design standards—Street alignment.**

A. Arterial and collector streets shall be aligned to continue existing streets from adjoining areas into the proposed subdivision. Local streets shall be aligned to discourage their use by through traffic.

B. Stub streets with temporary turnaround areas shall be extended to the boundaries of the proposed subdivision where appropriate to provide future street connections to adjacent unsubdivided areas.

C. Grade or median separations of street lanes may be permitted to preserve natural features, provide space for landscaping, or facilitate access in subdivisions containing hillside lots.

D. In areas subject to extreme winds, the minimizing of potential wind damage shall be considered in aligning streets.

(GAAB 21.10.040.A; AMC 21.80.025, 21.80.030; AO No. 83-142)

**21.80.230 Design standards—Street intersections.**

Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at less than a 75-degree angle. The distance between intersection centerlines shall be at least 150 feet. Corner soundings at intersections shall conform to the standards of the department of public works.

(GAAB 21.10.040.A; AMC 21.80.040; AO No. 83-142)

**21.80.240 Design standards—Culs-de-sac.**

The length of a cul-de-sac street shall be determined by its zoning classification as specified in section 21.85.020.

Where topography and traffic circulation permit, the length of a cul-de-sac shall not exceed 600 feet in urban areas, 750 feet in suburban areas, and 900 feet in rural areas. The length shall be measured from the centerline of intersecting through streets to the radius point of the cul-de-sac bulb. A cul-de-sac shall terminate with a turnaround having a minimum radius of 50 feet and a minimum return radius of 50 feet. Commercial/industrial culs-de-sac shall have a minimum radius of 65 feet. The platting authority may permit a cul-de-sac street to terminate with a T-shaped or Y-shaped turnaround when such a design is required by extreme environmental or topographical conditions or unusually or irregularly shaped tracted boundaries.

(GAAB 21.10.040.A; AMC 21.80.045; AO No. 83-142; AO No. 88-65)

**21.80.250 Design standards—Alleys.**

Dead-end alleys shall be prohibited.

(GAAB 21.10.040.A; AMC 21.80.060; AO No. 83-142)

**21.80.260 Design standards—Street 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 director of public works or his designee, who may reject any proposed street name that does not conform to this section or to any regulation 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, the director of public works may promulgate regulation establishing a uniform street designation terminology. All street names shall conform to the terminology so established.

(GAAB 21.10.040.A; AMC 21.80.065; AO No. 83-142; AO No. 84-205; AO No. 92-160)

**21.80.270 Design standards—Street addresses.**

A. The director of public works or his designee shall assign all official street address numbers within the municipality. A permanent address shall be assigned only for property that is subject to a plat filed in accordance with law depicting the dedicated right-of-way serving the property.

B. Pursuant to chapter 3.40, the director of public works may promulgate regulations establishing uniform street address numbering technology and procedures. All street addresses shall conform to the numbering technology and procedures adopted by regulation, unless unusual or exceptional circumstances warrant utilization of alternate technology or procedures.  
(AMC 21.80.066; AO No. 83-142; AO No. 84-205)

**21.80.280 Design standards—Block arrangement.**

Blocks shall consist of two tiers of lots, except where lots back onto an arterial street, natural feature or subdivision boundary.  
(GAAB 21.10.040.D; AMC 21.80.080; AO No. 83-142)

**21.80.290 Design standards—Block length.**

Residential blocks shall not be less than 300 feet wide or more than 1,320 feet long.  
(GAAB 21.10.040.D; AMC 21.80.085; AO No. 83-142)

**21.80.300 Design standards—Lot dimensions.**

A. Subject to the lot dimensions and area requirements in Chapters 21.40 and 21.45, townhouse lots under section 21.45.220 and all lots not subject to a conditional use shall have the minimum dimensions required by this section.

B. The depth of a lot shall be at least 100 feet.

C. The width of a corner lot shall be at least 50 feet.

D. The width of a lot shall be at least one-third the depth of the lot.

E. If a lot is to be served by an on-site wastewater disposal system, the lot must have the minimum area required for such a lot under chapter 15.65.

F. Notwithstanding any other provision of this section, the width of the flagpole portion of a flag-shaped lot shall be no less than:

1. Thirty feet when both public water and sewer systems are to serve such a residential lot.
2. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.
3. Twenty feet when only a public water or a public sewer system is to serve such a lot.
4. Twenty feet when the lot is located in a rural area and will not be served by either the public water or the public sewer system.

G. The length of the flag pole portion of the lot shall not exceed 100 feet in the urban and suburban areas and 200 feet in the rural areas and all other measurements shall be consistent with other sections of this Code.

(GAAB 21.10.040.E; AMC 21.80.095; AO No. 83-142; AO No. 84-52; AO No. 85-166; AO No. 86-21; AO No. 86-78; AO No. 87-81; AO No. 87-120; AO No. 96-41, § 2, 3-5-96; AO No. 96-24, § 5, 10-1-96)

**21.80.310 Design standards—Zero lot line subdivisions. (Repealed)**

(AO No. 83-142; AO No. 84-52; AO No. 85-163)

**21.80.320 Design standards—Lot lines.**

To the extent feasible, side lot lines shall be perpendicular to straight streets and radial to curved streets.

(GAAB 21.10.040.E; AMC 21.80.105; AO No. 83-142)

**21.80.330 Design standards—Lot frontage and access.**

A. Except when platted under section 21.15.030.J or section 21.15.134, all lots shall have frontage on a publicly dedicated street.

B. The front lot line of a residential lot shall not abut a street designated for collector or greater capacity on the official streets and highways plan, and shall not face a lot zoned or used for commercial or industrial purposes, except that an exemption shall be granted in rural areas where access is limited to such streets or roads.

C. Subdivisions shall be designed to minimize lots with access to residential major streets carrying over 1,000 average daily trips.

D. The total width of driveway entrances to a lot from a street shall not exceed two-fifths of the frontage of that lot on that street, or one-third of the frontage if the platting authority finds that conditions warrant it, unless the subdivider provides for snow storage in a manner approved by the platting authority.

E. The frontage of a lot on a cul-de-sac bulb shall be at least 30 feet, except that the frontage on a cul-de-sac bulb of a lot with a side yard abated under section 21.45.120.G shall be at least 18 feet. This subsection does not apply to flag lots.

F. All street rights-of-way shall include an open area, which may contain sidewalks, for snow storage. The open area shall extend seven feet outward from the back of the curb.

(GAAB 21.10.040.E; AMC 21.80.110, 21.80.115; AO No. 83-142; AO No. 83-192; AO No. 84-52; AO No. 85-166; AO No. 86-78)

#### **21.80.340 Design standards—Buffer or screening landscaping.**

The platting authority may require buffer or screening landscaping to separate property from incompatible uses or structures, including but not limited to streets designated for collector or greater capacity on the official streets and highways plan, railroads, commercial or industrial uses. The area containing the landscaping shall be shown as an easement or dedication on the plat. The landscaping shall be installed before final plat approval, or its installation shall be guaranteed under chapter 21.87 or by other performance guarantees acceptable to the authority. The landscaping shall be maintained by the property owner or his designee.

If utility easements are jointly used for required landscaping, the utility is not responsible for replacement of disturbed landscaping within the utility easements. The utility must provide written notice to the affected property owner at least one week prior to disturbance of the landscaping, except in emergencies involving life or safety.

(GAAB 21.10.040.F; AMC 21.80.125; AO No. 83-142; AO No. 85-91, 10-1-85)

#### **21.80.350 Design standards—Reserve strips.**

Privately owned strips may not be reserved to control access to public rights-of-way.

(GAAB 21.10.040.F; AMC 21.80.125.B; AO No. 83-142)

#### **21.80.360 Design standards—Hillside lots.**

The design of a subdivision containing hillside lots shall conform to this section, in addition to the remainder of this chapter.

- A. 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 proposed subdivision.
- B. Minimum lot sizes shall be the greater of those specified in the slope chart at the end of this chapter or those specified in other provisions of this title.
- C. The platting authority may require the dedication of easements to construct and maintain any cut and fill slopes.

(GAAB 21.10.040.H; AMC 21.80.150, 21.80.155, 21.80.160; AO No. 83-142)

#### **21.80.370 Design standards—R-10 district.**

Subdivision design in the R-10 residential alpine/slope district shall take into consideration known areas susceptible to landslide, 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 shall be taken into consideration in any development in the R-10 district.

(GAAB 21.10.040.E; AMC 21.80.120; AO No. 83-142; AO No. 85-166)

**21.80.380 Design standards—Phasing schedule.**

The platting authority may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision.

(AO No. 85-22)

**21.80.390 Design standards—Conformity to general subdivision standards.**

A. The design standards in this chapter are minimum standards. The platting authority may impose more restrictive standards when it finds they are necessary to conform the design of a proposed subdivision to the standards in section 21.75.010.

B. When the platting authority finds that it is not feasible to conform the design of a proposed subdivision to the standards in section 21.75.010, the platting authority may reject a proposed subdivision in its entirety.

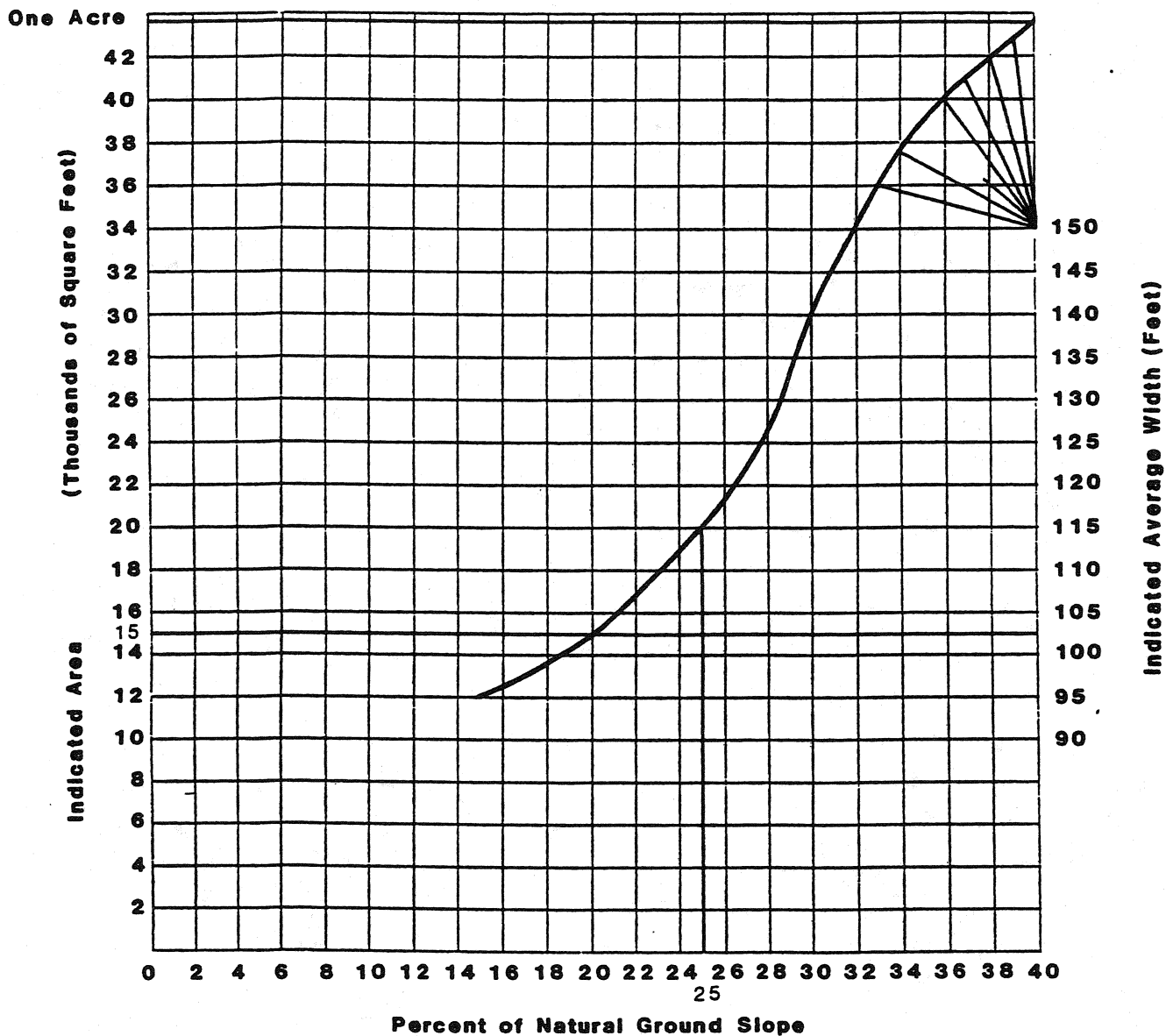
(AMC 21.80.180; AO No. 83-142)

**21.80.400 Design standards—Electrical and telecommunication utilities.**

The width and alignment of transmission easements within subdivisions shall conform to the utility corridor plan. The platting authority shall preclude structures or uses of land within or beneath areas of electrical or telecommunications ground or aerial easements that are incompatible with electrical distribution or transmission facilities.

(AO No. 90-13(S))

# SLOPE CHART



Example: For a lot whose natural ground slope is 25 percent, the indicated area is 20,000 square feet and the indicated average width is 115 feet.

## Chapter 21.85

### SUBDIVISION STANDARDS: IMPROVEMENTS\*

21.85.010	General requirements.
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21.85.180	Erosion and sedimentation control.
21.85.190	Landscaping.
21.85.200	Optional natural gas facilities.

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\*Cross references—Fines, § 14.60.030; standards regarding on-site waste water disposal systems in subdivisions, § 15.65.180.

**21.85.010 General requirements.**

A. The subdivider shall construct and install improvements in accordance with this chapter, the design standards in chapter 21.80 and the current standard specifications adopted by the department of public works.

B. The improvement standards in this chapter are minimum standards. The platting authority may require additional or more extensive improvements when it finds they are necessary to conform a proposed subdivision to the standards of section 21.75.010, or the subdivider may provide such additional or more extensive improvements.

C. All improvements required under this chapter shall be constructed under a subdivision agreement as provided in chapter 21.87.

D. The subdivider shall have construction plans for the improvements required under this chapter prepared by an engineer registered in the state, in accordance with the requirements of the department of public works.

(GAAB 21.10.050.A—C; AMC 21.85.010, 21.85.015, 21.85.020; AO No. 83-142)

**21.85.020 Improvement areas defined.**

For the purpose of this chapter, the municipality is divided into the following improvement areas:

A. *Urban area.* The urban area consists of the parts of the municipality within the following zoning districts:

1. R-1.
2. R-1A.
3. R-2A.
4. R-2D.
5. R-2M.
6. R-3.
7. R-4.
8. R-5.
9. R-O.
10. B-1A.
11. B-2A.
12. B-2B.

13. B-2C.

14. B-3.

15. B-4.

16. I-1.

17. I-2.

18. D-2.

19. D-3.

20. MC.

21. MI.

B. *Suburban area.* The suburban area consists of the parts of the municipality within the following zoning districts:

1. R-7.

2. I-3.

C. *Rural area.* The rural area consists of the parts of the municipality within the following zoning districts:

1. R-5A.

2. R-6.

3. R-8.

4. R-9.

5. R-10.

6. W.

D. *T and R-11 zoning districts.* Those areas within the T and R-11 zoning districts subdivided for development at a residential density equal to or greater than the density permitted in the R-1A zoning district shall be part of the urban area. All other areas within the T and R-11 zoning districts shall be part of the rural area.

E. *PLI zoning district.* The platting authority shall place a subdivision within the PLI zoning district in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.

(GAAB 21.10.050.E; AMC 21.85.100; AO No. 83-142; AO No. 83-52; AO No. 85-18; AO No. 85-23; AO No. 85-173, 3-17-86; AO No. 91-90(S))



**21.85.030 Improvement requirements by improvement area.**

Subject to sections 21.85.050 through 21.85.170, the subdivider shall construct and install the

improvements prescribed by this section for the improvement area where the subdivision is located:

A. *Urban area.*

1. Paved interior streets.
2. Strip-paved access and peripheral streets.
3. Curbs and gutters.
4. Sidewalks.
5. Walkways.
6. Street lighting.
7. Traffic control devices.
8. Monuments.
9. Drainage.
10. Telephone and electric facilities.
11. Water supply facilities.
12. Sanitary sewer facilities.
13. Landscaping.

B. *Suburban area.*

1. Strip-paved interior streets.
2. Strip-paved access and peripheral streets.
3. Walkways.
4. Traffic control devices.
5. Monuments.
6. Drainage.
7. Telephone and electric facilities.
8. Water supply facilities.
9. Sanitary sewer facilities.
10. Landscaping.

C. *Rural area.*

1. Gravel interior streets.
2. Gravel access and peripheral streets.
3. Walkways.
4. Traffic control devices.
5. Monuments.
6. Drainage.
7. Telephone and electric facilities.

8. Landscaping.

(GAAB 21.10.050.E; AMC 21.85.100; AO No. 83-142; AO No. 85-91, 10-1-85; AO No. 86-201, 1-16-87)

**21.85.050 Interior streets.**

A. *Residential interior streets.*

1. *Categories.* There are two categories of residential interior streets:

a. *Residential minor streets.* Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include culs-de-sac or small loops carrying 500 average daily trips.

b. *Residential major streets.* Residential major streets are access streets which provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on residential major streets with average daily trips in excess of 1,000 should be restricted.

2. *Determination of average daily trips.* For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying the following formula to each lot or tract to which the street gives access, using the maximum residential density permitted for the lot or tract by its zoning district:

<i>Housing Type</i>	<i>Average Daily Trips per Dwelling Unit</i>
Single-family detached	8.2
Two-family (duplex, townhouse)	8.0
Multifamily (townhouse, apartment) exceeding 2 units	7.3

<i>Housing Type</i>	<i>Average Daily Trips per Dwelling Unit</i>
Mobile home	5.5

3. *Improvement design.* Interior residential streets, except as provided in section 21.85.060, shall be improved in accordance with this section and tables A and C following this chapter.

B. Commercial and industrial interior streets shall be improved in accordance with tables B and D following this chapter. (GAAB 21.10.050.C; AMC 21.85.030; AO No. 83-142)

**21.85.060 Optional residential interior streets.**

A. Residential interior streets shall provide for on-street parking unless the platting authority finds it is practical to substitute spillover parking for on-street parking in accordance with this section. If the platting authority so finds, residential interior streets may be improved in accordance with this section and table A following this chapter.

B. The platting authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining off-street parking facilities.

C. Spillover parking substituted for on-street parking shall conform to the design standards in section 21.45.080, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking areas shall be subject to approval of the platting authority. Spillover parking spaces in addition to the off-street parking spaces required under section 21.45.080 shall be provided for each lot fronting on a street without on-street parking under the following formula, using the maximum residential density permitted for the lot by its zoning district:

<i>Housing Type</i>	<i>Parking Spaces per Dwelling Unit</i>
Single-family detached	1.5
1 to 4 units attached, townhouse	1.0
Apartment (exceeding 4 units)	0.5

(GAAB 21.10.050.C; AMC 21.85.030; AO No. 83-142)

**21.85.070 Access streets, peripheral streets and half streets.**

A. *Access streets.* The platting authority may require access streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access. The platting authority shall determine the length of the access street that the subdivider shall improve. Access streets shall be improved in accordance with table C following this chapter.

B. *Peripheral streets.*

1. The platting authority may require the improvement of peripheral streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access.
2. Peripheral streets whose improvement is required under this subsection shall be improved in accordance with table C following this chapter, provided that peripheral streets used for access to individual lots shall be improved in accordance with tables A and B following this chapter.

C. *Half streets.* The department of public works or the platting authority may require the improvement of a half street in the urban area to one-half of the street width specified in table A following this chapter, if underground utilities will be installed before street construction. (GAAB 21.10.050.C; AMC 21.85.030; AO No. 83-142; AO No. 85-166)

**21.85.080 Curbs and gutters.**

The subdivider shall construct curbs and gutters in accordance with the current standard

specifications adopted by the department of public works, or, in the case of a state-maintained road, the current standard specifications of the state department of highways.

(GAAB 21.10.050.C; AMC 21.85.035; AO No. 83-142)

#### 21.85.090 Sidewalks.

A. For the purpose of this section, average daily trips on residential streets shall be computed in accordance with section 21.85.050.A.2.

B. Cul-de-sac and loop streets carrying less than 300 average daily trips, with speeds limited to 25 miles per hour by design, need not have sidewalks, unless the platting authority finds there is sufficient pedestrian trip volume to require sidewalks.

C. Streets carrying from 300 to 1,000 average daily trips shall have sidewalks as follows:

1. On one side of the street, consistent with surrounding sidewalk and walkway facilities; or
2. On both sides of the street when the platting authority finds there is sufficient pedestrian trip volume, or when surrounding subdivisions consistently have sidewalks on both sides of the street.

D. Streets carrying more than 1,000 average daily trips shall have sidewalks on both sides of the street.

E. In commercial and industrial areas, sidewalks shall be provided where necessary for pedestrian access to, and circulation among, offices and other commercial facilities.

F. Sidewalks shall be improved in accordance with table E following this chapter.

(GAAB 21.10.050.C; AMC 21.85.075; AO No. 83-142)

#### 21.85.100 Walkways.

Walkways, and trails not part of required trail dedications, shall be improved in accordance with table E following this chapter.

(GAAB 21.10.050.C; AMC 21.85.070; AO No. 83-142)

#### 21.85.110 Street lighting.

Street lighting shall conform to the requirements of the department of public works and the electric utility serving the subdivision.

(GAAB 21.10.050.C; AMC 21.85.080; AO No. 83-142)

#### 21.85.120 Traffic control devices.

A. *Traffic signs.* 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. *Traffic signals.* Traffic signals shall be installed in accordance with the requirements of the municipality.

(GAAB 21.10.050.C; AMC 21.85.065; AO No. 83-142)

#### 21.85.130 Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. Survey monumentation shall conform to such additional standards as the director of public works may establish by regulation under chapter 3.40.

(GAAB 21.10.050.C; AMC 21.85.025; AO No. 83-142)

#### 21.85.140 Drainage system.

A drainage system approved by the department of public works and the department of health and human services, including necessary storm drainage facilities, drain inlets, manholes, culverts, bridges and other appurtenances, shall be installed. The design of the drainage system shall provide for the preservation of designated high-quality wetlands critical to water table levels and wildlife habitat within and surrounding the subdivision.

(GAAB 21.10.050.C; AMC 21.85.050; AO No. 83-142; AO No. 85-8; AO No. 85-166)

**21.85.150 Telephone and electric facilities.**

A. All new telephone and electric lines shall be installed in accordance with the specifications of the municipality and the utility providing the service.

B. All new telephone and electric utility distribution lines, as defined in section 21.90.010, shall be placed underground:

1. As required by section 21.90.020; and
2. As required by the platting authority in areas with patterns of development similar to those where section 21.90.020 requires that utility distribution lines be placed underground.

(GAAB 21.10.050.C; AMC 21.85.045; AO No. 83-142; AO No. 84-62; AO No. 85-166)

**21.85.160 Water supply facilities.**

A. If the platting authority requires that a subdivision be served by a public water system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the 1985 edition of the Design Criteria for Sanitary Sewer and Water Improvements of the municipal water and wastewater utility.

B. If the subdivision has no access to a public water system, the platting authority may require the subdivider to install a water system for the common use of the lots in the subdivision. The subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the specifications of the municipal water and wastewater utility.

C. If the subdivision has no access to a public water system, and the platting authority finds that a water system for the common use of lots in the subdivision is not feasible and desirable, the subdivider need not install water supply facilities. A well serving an individual lot shall conform to the requirements of the department of health and human services.

(GAAB 21.10.050.C; AMC 21.85.055; AO No. 83-142; AO No. 85-8; AO No. 85-24; AO No. 86-162, 10-3-86)

**21.85.170 Sanitary sewer facilities.**

A. If the platting authority or provisions of law require that a subdivision be served by a public sewer system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the 1985 edition of the Design Criteria for Sanitary Sewer and Water Improvements of the municipal water and wastewater utility.

B. If the subdivision has no access to a public sewer system, the platting authority may require the subdivider to install a sewer system for the common use of lots in the subdivision.

C. If the subdivision has no access to a public sewer system, and the platting authority finds that a sewer system for the common use of lots in the subdivision is not feasible and desirable, the subdivider need not install sewer facilities. A sewage disposal system serving an individual lot shall conform to the requirements of the department of health and human services.

(GAAB 21.10.050.C; AMC 21.85.060; AO No. 83-142; AO No. 85-8; AO No. 86-162, 10-3-86)

**21.85.180 Erosion and sedimentation control.**

All grading, excavating and removal or destruction of natural topsoil, trees or other natural vegetation shall conform to an erosion and sedimentation control plan prepared by the subdivider and approved by the department of public works before the work may commence. The plan shall conform to the guidelines and policies in the report, Soil Erosion and Sediment Control (Municipality of Anchorage, 1978), or any other guidelines and policies on this subject approved by the department of public works, and to the following:

- 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 and other pollutants, including but not limited to oil, grease, nutrients, bacteria and heavy metals generated by development activity, should be removed

from runoff waters from land undergoing development by means of appropriate water quality control measures before the runoff waters are permitted to be discharged into natural streams or lakes. Examples of water quality control measures which may be appropriate are debris basins, desilting basins or silt traps, oil/water separators, retention/detention basins and infiltration devices. This applies to groundwater where applicable.

- D. Provisions should be made to effectively accommodate the increased runoff and pollutant loads caused by changed soil and surface conditions during and after development. Such provisions should include both stormwater and water quality control measures.
- 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 resulting from cut and fill operations shall not exceed a maximum slope of 50 percent. A lesser slope may be deemed necessary by the municipal engineer due to soil conditions. If slopes of greater than 50 percent are desired, such slopes will be supported by a retaining structure approved by the public works department.
- I. The proposed construction should not adversely affect spawning of anadromous fish, or significantly reduce upstream fish passage through the creation of excessive in-stream velocities.

(GAAB 21.10.050.C; AMC 21.85.085; AO No. 83-142)

#### **21.85.190 Landscaping.**

The subdivider shall be responsible for the provision of landscaping required under section 21.80.340, and it shall be installed by the subdivider or guaranteed under the provisions of chapter 21.87 or other performance guarantees accept-

able to the authority. Landscaping shall be provided on an individual lot basis not later than the issuance of a certificate of occupancy.

(AO No. 85-91, 10-1-85)

#### **21.85.200 Optional natural gas facilities.**

A. Whenever a subdivider, owner, proprietor or developer subject to chapters 21.75 through 21.87 desires to install natural gas facilities, they shall make an election to install said facilities prior to receiving a subdivision agreement, building permit, land use permit, or a permit under Title 24. Installation and construction of the facilities shall be made and warranted under a subdivision agreement pursuant to chapter 21.87.

B. All new natural gas facilities installed pursuant to this section shall be installed in accordance with the standard specifications of the municipality and the utility providing the service. (AO No. 2002-127, § 1, 9-10-02)

TABLE A. URBAN RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. <sup>2</sup>	Street Section <sup>1</sup>		Number of Lanes		Max. Design Speed <sup>3</sup> (mph) <sup>4</sup>	Rights-of-Way (feet)	Off-Street Parking <sup>5</sup>	Application
	Standard (feet)	Optional (feet)	Moving	Parking				
0—75 Residential minor	30		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
75—300 Residential minor	30		2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
		24	2	0	25	60	Yes	
300—600 Residential minor	33		2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
		24	2	0	25	60	Yes	
600—1,000 Residential major	33		2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
		28	2	1	25	60	Yes	
		24 <sup>6</sup>	2	0	25	60	Yes	Residential limited access
1,000—2,000	36 <sup>6</sup>		2	2	30	60	No	Residential subconnector
		36 <sup>6</sup>	3 <sup>7</sup>	0	30	60	Yes	No on-street parking permitted

<sup>1</sup> Street dimensions are from back of curb.

<sup>2</sup> See section 21.85.050.A.2 (trip generation units).

<sup>3</sup> Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.

<sup>4</sup> Design speed (not posted speed) for vertical and horizontal curves.

<sup>5</sup> Off-street parking; homeowners' association required.

<sup>6</sup> Vertical face curb; rolled curb may be substituted when sidewalk is detached.

<sup>7</sup> Center turning lane required.

(AO No. 96-153, § 1, 1-28-97)

TABLE B. URBAN COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

Street Section* (feet)	Number of Lanes		Maximum Design Speed** (mph)	Right-of-Way (feet)	Application
	Moving	Parking			
36(V)	2	2***	30	60	Commercial/industrial streets
36(V)	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking must be provided off-street

<i>Street Section* (feet)</i>	<i>Number of Lanes</i>		<i>Maximum Design Speed** (mph)</i>	<i>Right-of-Way (feet)</i>	<i>Application</i>
	<i>Moving</i>	<i>Parking</i>			
40(V)	3(1TL)	0			Limited application for commercial and industrial areas for turning movements when traffic warrants

\*Street dimensions are from back of curb.

\*\*Design speed (not posted speed) for vertical and horizontal curves.

\*\*\*Parking may be provided off-street when a planter strip is used.

TABLE C. STRIP-PAVED AND GRAVEL STREETS, MINIMUM STANDARDS

<i>A.D.T.</i>	<i>Street* Section*** (feet)</i>	<i>Maximum Design Speed** (mph)</i>	<i>Right-of-Way (feet)</i>	<i>Application</i>
0—500	20	20	50	Residential loop streets, rural peripheral/access roads
500—1,000	24	25	50	Residential loop streets, urban peripheral/access roads
1,000—2,000	24	25	60	Major residential streets

\*Dimensions are from edge of pavement, or future pavement in the case of gravel streets.

\*\*Design speed (not posted speed) for horizontal and vertical curves.

\*\*\*Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively.

TABLE D. RURAL AND SUBURBAN COMMERCIAL/INDUSTRIAL STREETS, MINIMUM STANDARDS

<i>Street Section* (feet)</i>	<i>Design Speed** (mph)</i>	<i>Right-of-Way (feet)</i>	<i>Application</i>
20	20	50	Commercial/industrial low traffic volume loop streets and culs-de-sac, 4-foot shoulders required both sides
24	35	60	Major commercial/industrial streets, 4-foot shoulders required both sides

\*Dimensions are from edge of pavement, or future pavement.

\*\*Design speed (not posted speed) for vertical and horizontal curves.



TABLE E. MINIMUM SIDEWALK AND WALKWAY IMPROVEMENTS

<i>Type</i>	<i>Minimum Width (feet)</i>	<i>50' Right-of-Way</i>	<i>60' Right-of-Way</i>	<i>Right-of-Way (feet)</i>	<i>Remarks</i>
4" PCC	4	0	0	N/A	Attached to curb
4" PCC	4	4	5	N/A	Detached*
1½" AC	4	4	5	N/A	Detached*
4" PCC	4	N/A	N/A	10	Not recommended where peat is surcharged
1½" AC	4	N/A	N/A	10	Paved walkways
Gravel	4	N/A	N/A	10	For rural and suburban areas or nature trails

\*Additional information may be required if need demonstrated.

Chapter 21.87

**SUBDIVISION AGREEMENTS (REPEALED)\***

21.87.010—21.87.060 Reserved.

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\***Editor's note**—Chapter 21.87 repealed on June 12, 2007, AO No. 2007-82, code provisions regarding subdivision regulations are now located in section 21.08.06.

## Chapter 21.90

### UTILITY DISTRIBUTION FACILITIES\*

21.90.010	Definitions.
21.90.020	Underground placement required for new or relocated lines; exceptions.
21.90.030	Variances.
21.90.040	Enforcement of chapter.
21.90.050	Nonconforming overhead lines—Generally.
21.90.055	Nonconforming overhead lines in dedicated municipal parks—Fees and costs.
21.90.060	Nonconforming overhead lines—Designation of target areas.
21.90.070	Nonconforming overhead lines.
21.90.080	Nonconforming overhead lines—Lines in municipal right-of-way.
21.90.090	Nonconforming overhead lines—Conversion of service connections.

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\*Cross reference—Fines, § 14.60.030.

**21.90.010 Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*CATV* means a utility that operates nonbroadcast facilities that distribute to subscribers the signals of one or more television broadcast stations.

*Central office* means a utility facility where messages, impressions, pictures or signals are generated, received or controlled.

*Distribution substation* means a utility facility where the electric voltage is transformed for distribution through a substation transformer.

*Joint trench* means a trench excavated for the underground placement of utility distribution lines owned or operated by two or more utilities.

*Municipal street improvements* means street construction projects within the right-of-way used by motor vehicles and funded by the municipality.

*Reinforcement* means repair, replacement or addition of a crossarm, guy, pole, stub or conductor for a utility distribution facility.

*Relocation* means a change in alignment of more than six spans.

*Service connection* means conductors transmitting utility service from a utility distribution line to a customer's riser or service entrance.

*State highway project* means a highway project which has received design authorization from the Federal Highway Administration or legislative approval from the state legislature.

*Substation transformer* means a utility facility that transforms electric voltage to the level supplied to the distribution system.

*Target area* means an area designated under section 21.90.060 as a location in which overhead distribution lines are to be placed underground as provided in this chapter.

*Utility* means a public utility as defined in AS 42.05.701 furnishing electric service or telecommunications service as defined in AS 42.05.701.

*Utility distribution line* means all or any part of a conductor and supports owned or operated by a utility and used:

1. To transmit no more than 69 kilovolts of energy; or
2. To transmit messages, impressions, pictures or signals by means of electricity or electromagnetic waves;

between a distribution substation or central office and the lot line of a customer's premises, excluding auxiliary equipment such as aboveground transformers, switching devices, pad-mounted distribution facilities and CATV power supplies. (AO No. 155-76; AO No. 156-76; AO No. 84-62; AO No. 86-17)

**Cross reference**—Definitions and rules of construction generally, § 1.05.020.

**21.90.020 Underground placement required for new or relocated lines; exceptions.**

A. Except as provided in subsections B, C, D and E of this section, all newly installed or relocated utility distribution lines shall be placed underground.

B. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in chapter 19.60:

1. Utility distribution lines need not be placed underground in the rural area defined in section 21.85.020, or in the I-2 and I-3 zoning districts.
2. CATV utility distribution lines need not be placed underground where there are other overhead utility distribution lines; provided that, when all of the other overhead distribution lines are placed underground, the CATV utility distribution line shall be placed underground in a joint trench with the other utility distribution lines.
3. Notwithstanding subsection B.1 of this section, the following area shall be subject to the provisions of subsection A of this section requiring that newly installed or relocated utility distribution lines shall be placed underground: Lower Hillside, be-

tween and including Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.

C. A new utility distribution line may be placed overhead when necessary immediately to restore service interrupted by accident or damage by flood, fire, earthquake or weather; provided that the utility distribution line shall be replaced by a utility distribution line conforming to this chapter within 12 months of its placement.

D. A utility distribution line or service connection may be placed on the surface of frozen ground, provided that it is placed underground within 12 months thereafter.

E. New facilities may be added to existing overhead utility distribution facilities located outside target areas.

F. Utility distribution lines owned or operated by utilities that are parties to a joint trench agreement shall be placed underground in a joint trench.

G. Nothing in this section restricts the maintenance, repair or reinforcement of existing overhead utility distribution lines.

H. A temporary utility distribution line may be placed overhead in connection with new construction if the utility's tariff approved by the state public utilities commission expressly provides for removal of that line by a date certain, not to exceed 12 months thereafter. (AO No. 156-76; AO No. 84-62; AO No. 86-17; AO No. 92-10)

**Cross reference**—Damage to underground utility facilities, ch. 26.90.

#### 21.90.030 Variances.

A. The director of the planning department may grant a variance from Section 21.90.020.A when any of the following is found:

1. Placing a utility distribution line underground would cause an excessive adverse environmental impact;
2. Placing a utility distribution line underground would threaten public health and

safety, because the placement cannot be shown to meet acceptable technical standards for safety; or

3. Placing a utility distribution line underground in an environmentally sound and safe manner would cost more than three times the cost of placing the line overhead, where the applicant demonstrates the relative cost to the satisfaction of the director of the planning department.

B. The director of the planning department may grant a variance from section 21.90.020.A when he finds that the utility distribution line is being placed overhead temporarily for one of the reasons listed in this subsection:

1. The line is being placed to provide service when weather conditions do not allow excavation for underground placement;
2. A permanent location for underground placement is not available because of construction in progress; or
3. The line is being placed to provide service to a temporary use or structure.

A variance issued under this subsection shall expire within two years of its issuance.

C. The planning and zoning commission may adopt regulations in accordance with chapter 3.40, delegating authority to grant variances under subsection A of this section to the director of the planning department. (AO No. 156-76; AO No. 84-62; AO No. 86-17; AO No. 2005-2, § 1, 5-30-05)

#### 21.90.040 Enforcement of chapter.

A. Violations of this chapter are subject to all of the penalties and remedies for violations of this title set forth in chapter 21.25.

B. In addition to the penalties and remedies provided for violations of this chapter in subsection A of this section, no permit may be issued to install a utility distribution line on municipal property or in a municipal easement or right-of-way in violation of this chapter. (AO No. 156-76; AO No. 84-62)

**21.90.050 Nonconforming overhead lines—  
Generally.**

Existing overhead utility distribution lines located where this title requires new or relocated utility distribution lines to be placed underground are nonconforming utility distribution lines and are subject to sections 21.90.070 through 21.90.090. No utility distribution line is a nonconforming structure or a nonconforming use of land or a structure under chapter 21.55 because it is a nonconforming utility distribution line under this section.

(AO No. 84-62)

**21.90.055 Nonconforming overhead lines in  
dedicated municipal parks—Fees  
and costs.**

A. *Alignment.* When a utility proposes to underground an existing overhead utility distribution line located in a dedicated municipal park, and the overhead and underground alignment are identical, no fee shall be assessed to the utility for the value of the easement.

B. *Administrative variances.* The director of the project management and engineering department may, upon request by a utility:

1. Grant an administrative variance from section 21.90.055A., up to five feet on either side of the existing overhead easement center line, to adjust the underground alignment.
2. An adjustment exceeding five feet on either side of the existing overhead easement center line shall require a new easement, including assessment of a fee for the value of the easement and administrative costs.

C. The utility shall remain solely responsible for municipal administrative fees and costs associated with the relocation, including but not limited to, a managing department application fee, and document research, review and preparation.

D. The disposal procedures for interests in municipal land, set out in chapter 25.30, and the variance procedure, set out in section 21.90.030, shall not apply to this section.

(AO No. 2006-151, § 1, 11-14-06)

**21.90.060 Nonconforming overhead lines—  
Designation of target areas.**

A. An electric utility that owns poles that support nonconforming utility distribution lines shall prepare or otherwise include as part of its annual capital improvement plan, a five-year undergrounding program consistent with Section 21.90.070. This five-year program shall be updated on an annual basis. Priorities shall be based on undergrounding in conjunction with the electric utility's essential system improvements and then by target area as set forth below in no particular order. The director of the planning department shall provide review and comment for consideration by the electric utilities on these five-year programs. When reviewing and commenting on these programs the director shall consider the following factors in no particular order:

1. Whether undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric distribution or other attached utility facilities.
2. Whether the street or general area is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.
3. 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.
4. Whether the street or area affects a public recreation area or an area of scenic interest.
5. 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.
6. Whether the five-year program sufficiently addresses the objectives of Section 21.90.070.
7. Whether the area under consideration is within a zone where new and relocated distribution lines are required to be placed underground.

8. Whether the installation of underground distribution lines is economically, technically and environmentally feasible including the effect on an attached utility.
9. Whether undergrounding will avoid or eliminate overhead electric distribution or other attached utility facilities in a residential area with significant risk exposure to wildfire, high winds, or other natural disaster.
- f. Boniface Parkway between and including 30th Avenue and New Glenn Highway.
- g. Spenard Road between and including Hillcrest Drive and International Airport Road.
- h. Arctic Boulevard between 17th Avenue and Tudor Road.
- i. Lake Otis Parkway between Tudor Road and Abbott Loop

B. The director of the planning department shall confirm annually that the electric utilities have developed project undergrounding implementation plans. The director shall consult with the utilities and public agencies affected by any implementation plan. In reviewing implementation plans, the director shall consider the factors stated in subsection A of this section.

C. The following shall be the target areas:

1. Central Business District: between and including Third Avenue and Tenth Avenue and L Street and Ingra Street.
2. Mid-town area: between and including New Seward Highway and Minnesota Drive and International Airport Road and Fireweed Lane.
3. All municipal and state street improvement projects except for those which do not require relocation of utility distribution facilities.
4. The following major traffic corridors:
  - a. Old Seward Highway.
  - b. Ingra and Gambell Streets between and including Ninth Avenue and Fireweed Lane.
  - c. Northern Lights Boulevard and Benson Boulevard between and including Glenwood Street and Arlington Drive.
  - d. Muldoon Road between and including New Glenn Highway and Patterson Street.
  - e. Tudor Road between and including Patterson Street and Arctic Boulevard.
5. All park, recreational use and scenic interest areas.
6. Eagle River Central Business District between and including the New Glenn Highway, North Eagle River Access Road, Aurora Street as extended to the Old Glenn Highway and the Old Glenn Highway.
7. Any area where utility distribution facilities are provided by more than one utility as a result of mergers and boundary changes approved by the state public utilities commission.
8. School and university areas.
9. Any residential area with significant risk exposure to wildlife, high winds, or other natural disaster.

(AO No. 155-76; AO No. 156-76; AO No. 82-49; AO No. 84-62; AO No. 86-17; AO No. 2005-2, § 2, 5-30-05; AO No. 2009-28, § 1, 7-7-09)

#### **21.90.070 Nonconforming overhead lines.**

A. An electric utility that owns poles that support nonconforming utility distribution lines shall remove the poles and place those lines underground. Any other utility that attaches to such poles shall place its lines underground at the same time that the pole owner places lines underground.

1. The electric utility that owns poles shall, in each fiscal year, expend at least two percent of a three-year average of its annual gross retail revenues derived from utility service connections within the municipality, excluding toll revenues, revenues from sales of natural gas to third parties, and revenues from sales of elec-

tric power for resale for purposes of undergrounding nonconforming lines. An electric utility's expenditures, pursuant to AS 42.05.381(h), within the Municipality of Anchorage, shall be counted toward satisfaction of the two percent expenditure required by this subsection.

2. A utility with lines attached to a pole that is to be removed under this subsection shall place its lines underground at the same time that the pole owner places its lines underground. To underground nonconforming utility lines, an attached utility shall not be required to expend more than two percent of its annual gross retail revenues derived connections within the municipality, excluding toll revenues. For the purpose of satisfying 21.90.070, the utility's expenditures pursuant to AS 42.05.381(h) within the Municipality of Anchorage are counted toward this two percent expenditure limit.
3. The electric utility that owns poles may choose which existing lines to underground in order to fulfill the two percent expenditure requirement, in consultation with appropriate public agencies and any other utilities.
4. An electric utility that owns poles that does not expend the amount required in subsection A. of this section, or that expends more than that amount, may carry over the under expenditure or over expenditure as an adjustment to the following year's obligation.

B. The electric utility that owns poles shall notify the director of the planning department, and utilities or entities with lines attached to such poles, of the approximate date that the owner plans to remove the poles. Such notice, where possible, shall be given at least four months in advance of the undergrounding except where an emergency or other unforeseen circumstances preclude such notice, in which case such advance notice as is reasonable under the circumstances shall be provided.

C. A utility shall annually submit a report of its undergrounding projects and expenditures for non-conforming lines to the director of the planning department within 120 days of the end of the preceding calendar year.

D. All new service connections shall be placed underground in the same manner as required for utility distribution lines under Section 21.90.020. New service lines may be temporarily installed above ground from October through May, if placed underground within one year of installation. (AO No. 155-76; AO No. 84-62; AO No. 2005-2, § 3, 5-30-05)

**21.90.080 Nonconforming overhead lines—  
Lines in municipal right-of-way.**

A. The department of public works shall furnish to a utility owning or operating utility distribution lines all planning documents for municipal road construction which will require the relocation of those utility distribution lines.

B. Upon adoption of the ordinance from which this chapter is derived, a utility installing a utility distribution line underground in material compliance with a right-of-way permit issued by the department of public works, and in accordance with this chapter, the municipality shall reimburse the cost of any subsequent relocation of the utility distribution line required by municipal road construction.

C. If municipal road construction requires the relocation of a nonconforming utility distribution line, the municipality, as part of the road construction project cost, shall reimburse the cost of the relocation. Reimbursable costs under this subsection include engineering and design, inspection, construction and general overhead costs, but exclude utility plant betterment costs. Plant betterment costs are the costs of providing utility distribution line capacity or quality beyond what current industry standards require for the capacity or level of service existing before the relocation.

(AO No. 155-76; AO No. 84-62)

**21.90.090 Nonconforming overhead lines—  
Conversion of service connections.**

A utility that places a nonconforming utility distribution line underground as required by sec-



tion 21.90.070 shall bear the cost of placing underground any related service connections or other utility facilities on a customer's premises, in accordance with the utility's applicable tariff or rules or regulations of operation.  
(AO No. 155-76; AO No. 84-62)

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## TITLE 21

### PLANNING AND ZONING

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Regulation 21.05

**ASSEMBLY RULES OF PROCEDURE FOR CONDITIONAL USE PERMIT HEARINGS**

- 21.05.010 Applicability.
- 21.05.020 Pre-hearing requirements.
- 21.05.030 Fair hearing.
- 21.05.040 Hearing procedures.
- 21.05.050 Post-hearing procedures.



**21.05.010 Applicability.**

A. The provisions of this chapter shall apply to hearings before the assembly for the revocation of conditional use permits under Title 21 for the retail sale of alcoholic beverages.

B. The provisions of this chapter shall be in addition to those procedures established by Anchorage Municipal Code chapter 3.60.  
(AR No. 98-251(S), § 1, 8-25-98)

**21.05.020 Pre-hearing requirements.**

A. *Witness lists and documentary evidence.* Not later than 30 days prior to the hearing date, the parties shall exchange and shall provide to the municipal clerk and the assembly's counsel, copies of their witness lists, affidavits of witnesses and documentary evidence.

B. *Subpoena requests.* Requests for subpoenas for witnesses shown on the witness list submitted pursuant to subsection A. of this section shall be filed with such witness list. All other subpoenas shall be submitted in accordance with section 3.60.045.F.

C. *Pre-hearing memoranda.* Not later than 21 days prior to the hearing date, the parties shall submit a pre-hearing memorandum of not more than ten pages, double-spaced, setting out their evidence and their legal arguments.

D. *Documentary evidence.* Documentary evidence shall be marked by the municipal clerk in advance of the hearing as "(name of party) Exhibit \_\_\_\_\_". Each party shall provide a copy to all other parties, the assembly's counsel and 12 copies to the clerk prior to the hearing.

1. Exhibits of the party who initiated the proceedings shall be assigned Arabic numbers and exhibits of the responding or defending party shall be assigned capitalized letters of the alphabet.

(AR No. 98-251(S), § 1, 8-25-98)

**21.05.030 Fair hearing.**

A. The assembly, as the trier of facts and decision maker, shall provide the permit holder a fair hearing, shall be impartial and unbiased and shall have no *ex parte* contacts in accordance with section 3.60.065.

B. The assembly may appoint the municipal administrative hearing officer or another hearing officer to act as the trier of fact and to make findings of fact for and a recommended decision to the assembly.

(AR No. 98-251(S), § 1, 8-25-98)

**21.05.040 Hearing procedures.**

A. *Opening statements.* The parties of their attorneys may make an opening statement of not more than five minutes, unless additional time is requested in advance of the hearing and is necessary to the full and fair presentation of the party's case.

B. *Witnesses.* The parties may call as many witnesses as are required to make or defend their case.

1. All witnesses shall be sworn in by the municipal clerk and shall provide their testimony under oath.
2. The conduct of witness examination shall be governed by section 3.60.045, provided however, the chair of the assembly may require any examination or cross-examination to be conducted through the chairman when necessary for good order and discipline in the conduct of the hearing.

C. *Evidence and objections.* The admission of evidence shall be governed by section 3.60.045.

1. Objections to evidence and exhibits shall be made at the time the evidence is presented at the hearing and shall be ruled on by the chair at such time.

D. *Closing statements.* When all evidence has been submitted by the parties, each party may make a closing statement not to exceed ten minutes.

E. *Ruling or decision.* After closing statements are completed, the chair may entertain a motion to act upon the conditional use permit which motion must be seconded to be considered by the assembly.

1. Before action on a conditional use permit may be taken, the applicant seeking the action must establish by a preponderance

of the evidence that the requested action is warranted and in accordance with law.

2. After the motion has been seconded, the maker of the motion shall state whether he/she supports the motion and shall articulate for the record the factual evidence constituting a preponderance of the evidence in support of a conclusion that the violations occurred and that revocation is warranted.
3. After all assembly members wishing to explain their reasoning on the record have done so, the chair shall call for a vote on the motion.
4. The decision of the assembly shall be announced on the record.

(AR No. 98-251(S), § 1, 8-25-98)

**21.05.050 Post-hearing procedures.**

A. The assembly shall adopt written findings of fact and conclusions of law based on the statements of assembly members on the side of the motion that prevails in accordance with section 3.60.055.

1. The written findings of fact and conclusions of law shall be mailed by the clerk to the parties with a notice that the decision of the assembly is final and the non-prevailing party has 30 days to appeal to the Superior Court in accordance with section 3.60.080.

(AR No. 98-251(S), § 1, 8-25-98)

Regulation 21.10

**PLANNING AND ZONING COMMISSION RULES OF PROCEDURE**

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- 21.10.101 Chair and vice-chair.
- 21.10.102 Secretary.

**Article II. Meetings**

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- 21.10.202 Open to public.
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- 21.10.301 Record of proceedings.
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- 21.10.501 Appearance requests.
- 21.10.502 Reconsideration.
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## ARTICLE I. OFFICERS

### 21.10.101 Chair and vice-chair.

A. The commission shall annually organize and elect a chair and vice-chair at its first meeting in March.

B. The chair shall preside over the meetings of the commission and shall exercise all the powers usually incident to the office. He/she shall be a voting member with full right to have his/her vote recorded in all deliberations of the commission. The chair or his/her designated appointee shall attend Anchorage Assembly meetings at which important commission recommendations are presented and shall speak on behalf of the commission.

C. The vice-chair shall assume the duties of the chair in the event of absence or inability of the chair. A member of the commission shall assume the duties of the vice-chair. In case of the absence or inability of the chair and vice-chair, the members present may elect for the meeting a temporary chair, who shall during such meeting have full powers of the chair.  
(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.10.102 Secretary.

The director of community planning shall be the secretary. In the director's absence, another member of the community planning staff shall act as secretary. The secretary shall keep a record of all meetings of the commission and shall keep such files as may be required.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

## ARTICLE II. MEETINGS

### 21.10.201 Time and place.

A. Regular meetings of the commission shall be held on each Monday of the month at 6:30 p.m., unless notice of postponement is given each mem-

ber at least 24 hours prior to that time. Time of meeting may be changed by public notice in a manner prescribed for notice of public hearings. Should the commission be unable to complete all of the agenda at a regular meeting, the agenda shall be continued to the following Monday meeting, unless otherwise specified at the end of the meeting.

B. Special meetings may be called by the chair or secretary, provided that at least 24 hours' notice of special meeting is given each member at his/her established business or residence.

C. Regular meetings of the commission shall be held at a designated place. Notice of the meeting place shall be given to each member and advertised to the public at least seven days prior to the meeting.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39; AO No. 2009-134, § 1, 1-12-10)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.10.202 Open to public.

A. All hearings and proceedings of the commission shall be open to the public except as otherwise provided herein.

B. The commission may at any time go into executive session from which the general public may be excluded by a vote of the majority of the members taken at a public meeting. No subjects may be considered at the executive session except for those mentioned in the motion calling for an executive session unless auxiliary to the main question. No action may be taken at the executive session. Only the following subjects may be discussed at an executive session:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;
2. Subjects which tend to prejudice the reputation and the character of any person, provided the person may request a public discussion; and

3. Matters which by law, Municipal Charter, or ordinances are required to be confidential.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 84-42; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.203 Quorum—Official action.**

A. A majority of the full membership of the commission shall constitute a quorum for the transaction of business.

B. Action by the commission shall require the favorable vote of a majority of the full membership of the commission.

C. Full membership means a majority of nine, less the number of commissioners excused for conflicts of interest.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.204 Representatives.**

Persons appearing before the commission may appear in person or through a personal representative or attorney. The representative shall provide satisfactory proof of his or her authority upon the request of the commission.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.205 Absence of member.**

Any member of the commission anticipating an absence from a commission meeting shall so advise the commission chair or secretary prior to the meeting.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39; AR No. 90-276; AO No. 93-262, § 1, 10-5-93)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.206 Resolutions.**

All recommendations and decisions by the commission shall be made by written resolution and shall include the precise findings and conclusions made. Resolutions shall be numbered consecutively within each year, according to sequence of approval, and shall be signed by the chair and the

secretary. The minutes of the meeting at which the resolution is adopted shall show the vote of each member.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39; AR No. 2004-215(S), § 1, 12-7-04)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.207 Agenda.**

The agenda for each regular meeting of the commission shall be prepared by the secretary and shall be distributed along with the packet to each member at least seven days prior to the meeting, except for special meetings.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.208 Order of business.**

The order of business at all public meetings of the commission shall be as follows:

- A. Roll call.
- B. Minutes.
- C. Special order of business/executive sessions.
- D. Consent agenda.
  1. Resolutions for approval.
  2. Introduction of text amendments to the Anchorage Municipal Code and areawide planning documents.
  3. Site plans/landscape plans for approval.
  4. Time extensions; expedited hearing requests; minor conditional use amendments.
  5. Other.
- E. Unfinished business and unfinished action on public hearing items.
- F. Regular agenda.
  1. Resolutions for approval.
  2. Introduction of text amendments to the Anchorage Municipal Code and areawide planning documents.

3. Site plans/landscape plans for approval.
  4. Time extensions; expedited hearing requests; minor conditional use amendments.
  5. Other.
- G. Public hearings (must end no later than 11:30 p.m.).
- H. Appearance requests.
- I. Reports.
1. Chair.
  2. Secretary.
  3. Committee.
- J. Commissioners' comments.  
(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 84-42; AR No. 86-39; AR No. 90-276)  
**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### 21.10.209 Consent agenda.

The consent agenda shall consist of all matters brought before the commission for action that do not require a public hearing. All items on the consent agenda shall be approved by motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the commission present at the meeting. Items removed from the consent agenda shall be considered on the regular agenda. All consent agenda matters with a staff recommendation for action shall be accompanied by written concurrence and agreement by the petitioner.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 84-42; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### 21.10.210 Adjournment.

The deadline for adjournment of all meetings shall be 12:00 midnight.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 84-42; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### ARTICLE III. PUBLIC HEARINGS

#### 21.10.301 Record of proceedings.

A tape recording shall be made of each public hearing. The secretary shall record the minutes. The minutes shall include each decision of the commission, with findings made and the vote of each member of the commission for the respective decision. A copy of the minutes shall be signed by the secretary and submitted to the commission for approval within two weeks.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### 21.10.302 Testimony and cross examination.

A. Formal rules of evidence shall not apply to any proceeding before the commission. The chair may exclude or terminate testimony not deemed to be relevant in the case before the commission. On opening a public hearing the petitioner shall present his/her oral evidence or waive the oral presentation.

B. Testimony of persons appearing before the commission shall be limited as follows: petitioner (including all his/her representatives), ten minutes; representatives of groups, five minutes; individuals, three minutes. The petitioner may reserve a maximum of five minutes for rebuttal at the end of the public hearing. The commission may extend the time period for any person where it deems the additional testimony to be new and necessary to its decision on the case.

C. Cross examination shall be permitted only through the chair. Municipal staff and members of the commission may, through the chair, question the applicant and other persons who have testified. Any interested party may direct questions to the staff or any person testifying by submitting the question to the chair. The chair shall redirect the question to the appropriate person unless he/she determines it to be irrelevant or that presenting the question will unreasonably disrupt or delay the proceeding. The presiding officer of the commission may modify or restrict the scope, extent or method of cross examination in order to assure the fundamental

fairness of the proceedings before the commission, to prevent undue delay, irrelevant cross examination or harassment of persons offering testimony to the commission.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39; AR No. 90-276)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.10.303 Subpoenas.

All parties shall have the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.10.304 Decision.

A. Every decision made by the commission shall be based on and include findings of fact and conclusions. Every finding of fact shall be supported in the record of the proceedings. The findings shall be sufficient to provide a reasonable basis for understanding the reasons for the decision. In considering and applying any applicable approval criteria, the commission shall make specific findings as to why the criteria have or have not been met.

B. The findings of fact and decision of the commission at the scheduled hearing shall become final seven (7) calendar days after the date the decision is made on the record, unless:

1. Prior to the expiration of the seventh day, a written request is received by the secretary to:
  - a. Prepare a written decision based upon the record made at the hearing; and
  - b. The request is accompanied by a written notice of intent to appeal.

C. If a written request is received within seven (7) calendar days of the commission's decision on the record, the secretary shall prepare written findings of fact and decision for review by the commission at its next regularly scheduled meeting, or as soon thereafter as feasible.

D. Commission review of the written findings of fact and decision shall have priority over regular agenda items, and shall be approved, as amended by the commission if necessary, and become the final appealable decision of the commission.

E. Within twenty (20) days of the approval of the final appealable decision pursuant to subsection D. above, an applicant or other interested person must file with the municipal clerk either:

1. A written motion alleging new evidence or changed circumstances, pursuant to section 21.10.503; or
2. An appeal of the commission's final appealable decision, pursuant to municipal code chapter 21.30.

F. If a motion alleging new evidence or changed circumstances is timely filed with the municipal clerk pursuant to subsection E.1. above, the time for appeal is stayed pending a decision on the motion. In the event the commission determines to reopen and/or rehear new evidence or changed circumstances, time for appeal is stayed pending a decision on rehearing.

1. A decision by the commission on a motion, with or without rehearing, is not a final appealable decision for purposes of a subsequent motion alleging new evidence or changed circumstances. A subsequent motion alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the commission.

G. After a decision by the commission on a timely filed motion alleging new evidence or changed circumstances, the time for appeal shall begin to run. An applicant or other interested person must file an appeal within ten (10) days after the date of the commission's decision, or the initial decision of the commission shall become final.

(AR No. 82-258; AR No. 86-39; AR No. 2004-215(S), § 2, 12-7-04; AR No. 2005-15, § 1, 2-15-05)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.



**21.10.305 Postponements.**

A. Upon its own motion at any time before a decision on the matter is made, at the request of a commission member or a person appearing before the commission, the commission may postpone any matter before the commission for cause stated on the record. Re-notice of the new time for hearing is only necessary if the postponement is for more than four weeks or if no date certain is set for the hearing at the time of postponement.

B. When the commission has only a quorum in attendance a petitioner shall have the option of postponement without prejudice on the case before the commission.

(AR No. 82-258; AR No. 86-39; AR No. 90-276)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.306 Conflicts of interest—Disclosure.**

A. No commission member shall participate in any decision in which the commission determines either that such member has a conflict of interest, as defined in Anchorage Municipal Code 3.60.070, or that such member has a personal interest or involvement in the case which would prevent that member from fairly evaluating the case, or that, based on all surrounding circumstances, participation by such member would create the appearance of impropriety in the proceedings. The commission's determination shall take into consideration the interest of the public in a commission which has familiarity with the community and its past and future development. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.

B. Any commission member who has a possible conflict of interest in a pending matter shall bring this information to the attention of the chair before the staff begins its presentation or as soon thereafter as the commissioner recognizes his/her possible conflict. It shall be the responsibility of each commission member to fully disclose facts showing any known conflict of interest or other personal interest or involvement. Where appropriate under [section] 21.10.202.B, the conflict may be discussed in executive session.

C. A commission member who has a possible conflict of interest in a matter for decision may participate in that decision only upon the affirmative vote of a majority of all remaining commission members present. Such vote shall be recorded on the public record.

D. Ex parte contacts are prohibited by Anchorage Municipal Code 3.60.065. If, however, a commission member obtains information from outside of the public hearing process, whether through inadvertent ex parte communications with interested parties or through specific personal knowledge of a case, he/she shall fully disclose the information or knowledge to the commission during the public hearing, along with the source of that information. Such ex parte communications or personal knowledge of a case shall not constitute a conflict of interest or other basis for excuse from participation in any case. Ex parte contacts shall be also prohibited for matters under reconsideration by the commission except that the commission member may communicate with the petitioner, neighbors, and others for further information.

E. Any member excused under this section shall not further participate on the commission in any manner for the matter on which he/she abstains.

(AR No. 77-80; AO No. 80-79; AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**ARTICLE IV. APPLICATIONS****21.10.401 Duties.**

The commission shall hear and decide all matters properly brought before it in accordance with its duties under Anchorage Municipal Code 21.10.015.

(AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.10.402 Application to commission.**

An administrative hearing is initiated by the filing of a written application with the department of community planning for a conditional use

permit which conforms to the requirements of Anchorage Municipal Code 21.15.030 or an amendment to the zoning map in accordance with the provisions of Anchorage Municipal Code chapter 21.10. The director of the department of community planning shall not forward to the commission any application which is not complete. All material provided by the applicant in support of the application shall be included in the commission members' packets. No revisions to the application by the applicant will be considered which are subsequent to distribution of the packets to the commission.

(AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### **21.10.403 Date of hearing.**

Following the filing of an application, the secretary shall promptly place the case on the agenda of the commission. Matters shall be heard in the order placed on the agenda in accordance with the order of business, unless the agenda is revised by the action of the commission.

(AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### **ARTICLE V. MISCELLANEOUS PROCEDURES**

#### **21.10.501 Appearance requests.**

An appearance request must state the purpose and topic of the appearance and include any related narrative and graphics. If the graphics are of a size that cannot be readily reproduced, ten copies shall be submitted with the appearance request. Appearance requests are limited to five minutes and are limited to subjects not related to a pending agenda item. No matter brought before the commission as an appearance request shall be decided at that time if a public hearing would ordinarily be required. The matter may be rescheduled for public hearing at the request of the person making the appearance after proper notice to the public.

(AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### **21.10.502 Reconsideration.**

Any member of the commission on the prevailing side may request reconsideration of any vote of the commission if the notice of reconsideration is filed within 24 hours of the original vote. Saturdays, Sundays and municipal holidays shall not be counted in the time allowed. The notice must be filed with the secretary if served after the meeting has adjourned. A motion to reconsider must be seconded. The notice of reconsideration shall be considered as a special order of business at the next regular meeting.

(AR No. 82-258; AR No. 86-39)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### **21.10.503 New evidence—Changed circumstances.**

A. An allegation of new evidence or changed circumstances may be the basis for reopening the public hearing or a rehearing of a matter previously decided by the commission. Any such allegations shall be raised by written motion for rehearing or reopening the hearing, and shall be filed with the municipal clerk no later than twenty (20) days after the commission's initial decision becomes final pursuant to section 21.10.304D.

B. Upon the filing of a motion under this section, the commission shall expedite its consideration of the motion and shall determine whether to rehear or reopen the matter. The commission shall reopen the public hearing or rehear the matter previously decided if the commission determines:

1. If true, that the alleged new evidence or changed circumstances would substantially change the decision of the commission; and that
2. The person alleging the new evidence or changed circumstances acted promptly and with diligence in bringing the information to the commission's attention.

C. If the commission holds a rehearing, it shall determine the extent of the subject matter to be presented and shall indicate the limitations on the public hearing.

D. A decision made by the commission, as the result of a motion or rehearing under this section, is not an initial decision pursuant to subsection A. above; subsequent motions alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the commission.

(AR No. 82-258; AR No. 86-39; AR No. 2004-215(S), § 3, 12-7-04)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

Regulation 21.11

**PLATTING BOARD RULES OF PROCEDURE**

**Article I. Officers**

- 21.11.101 Chairman and vice-chairman.
- 21.11.102 Secretary.

**Article II. Meetings**

- 21.11.201 Time and place.
- 21.11.202 Open to public.
- 21.11.203 Quorum—Official action.
- 21.11.204 Representatives.
- 21.11.205 Absence of member.
- 21.11.206 Resolutions.
- 21.11.207 Agenda.
- 21.11.208 Order of business.
- 21.11.209 Consent agenda.
- 21.11.210 Adjournment.

**Article III. Public Hearings**

- 21.11.301 Record of proceedings.
- 21.11.302 Testimony and cross examination.
- 21.11.303 Subpoenas.
- 21.11.304 Decision.
- 21.11.305 Postponements.
- 21.11.306 Conflicts of interest—Disclosure.

**Article IV. Applications**

- 21.11.401 Duties.
- 21.11.402 Application to board.
- 21.11.403 Date of hearing.

**Article V. Miscellaneous Procedures**

- 21.11.501 Appearance requests.
- 21.11.502 Reconsideration.
- 21.11.503 New evidence—Changed circumstances.

## ARTICLE I. OFFICERS

### 21.11.101 Chairman and vice-chairman.

A. The board shall annually organize and elect a chairman (chairperson) and vice-chairman (vice-chairperson) at its first meeting in March.

B. The chairman shall preside over the meetings of the board and shall exercise all the powers usually incident to the office. He/she shall be a voting member with full right to have his/her vote recorded in all deliberations of the board. The chairman or his/her designated appointee shall attend Anchorage Assembly and planning and zoning commission meetings at which important board recommendations are presented and shall speak on behalf of the board.

C. The vice-chairman shall assume the duties of the chairman in the event of absence or inability of the chairman. A member of the board shall assume the duties of the vice-chairman. In case of the absence or inability of the chairman and vice-chairman, the members present may elect for the meeting a temporary chairman, who shall during such meeting have full powers of the chairman.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.11.102 Secretary.

The director of community planning shall be the secretary. In the director's absence, another member of the planning staff shall act as secretary. The secretary shall keep a record of all meetings of the board and shall keep such files as may be required.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

## ARTICLE II. MEETINGS

### 21.11.201 Time and place.

A. Regular meetings of the board shall be held on the first and third Wednesdays of the month at 6:30 p.m., unless notice of postponement is given

each member at least 24 hours prior to that time. Should the board be unable to complete all the required business at a regular meeting, the board shall continue the meeting to a designated date not later than four weeks from the scheduled date.

B. Special meetings may be called by the chairman or secretary, provided that at least 24 hours' notice of special meeting is given each member at his/her established business or residence.

C. Meetings of the board shall be held at a designated place. Notice of the meeting place shall be given to each member and advertised to the public at least seven days prior to the meeting.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126; AR No. 98-23, § 1, 1-27-98; AO No. 2009-134, § 1, 1-12-10)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.11.202 Open to public.

A. All hearings and proceedings of the board shall be open to the public except as otherwise provided herein.

B. The board may by motion call for a recess at any time for the purpose of discussing matters in closed or executive session. Only those subjects expressed in the motion may be discussed. No official action may be taken in executive session. The public shall be excluded from all executive sessions.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.11.203 Quorum—Official action.

A. A majority of the full membership of the board shall constitute a quorum for the transaction of business.

B. Action by the board shall require the favorable vote of a majority of the fully constituted board. The fully constituted board shall include all appointed members of the board not excused for conflict of interest in the board action.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.204 Representatives.**

Persons appearing before the board may appear in person or through a personal representative or attorney. The representative shall provide satisfactory proof of his authority upon the request of the board.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.205 Absence of member.**

Any member of the board anticipating an absence from a board meeting shall so advise the board chair or secretary prior to the meeting. Chronic tardiness by a board member is grounds for a motion recommending that the mayor and assembly replace a board member.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126; AR No. 93-262, § 2, 10-5-93)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.206 Resolutions.**

All recommendations and decisions by the board shall be made by written resolution and shall include the precise findings and conclusions made. Resolutions shall be numbered consecutively within each year, according to sequence of approval and shall be signed by the chair and the secretary. The minutes of the meeting at which the resolution is adopted shall show the vote of each member.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126; AR No. 2004-215(S), § 4, 12-7-04)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.207 Agenda.**

The agenda for each regular meeting of the board shall be prepared by the secretary and shall be distributed along with the packet to each member at least seven days prior to the meeting except for special meetings.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.208 Order of business.**

The order of business at all public meetings of the board shall be as follows:

- A. Roll call.
- B. Approval of action summaries and minutes.
- C. Special order of business.
- D. Consent agenda.
- E. Old business.
  1. Public hearing.
  2. Other.
- F. New business.
  1. Public hearing.
  2. Appearance requests.
  3. Other.
- G. Persons to be heard.
- H. Reports.
  1. Chairman.
  2. Secretary.
  3. Committee.
- I. Board comments.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126; AR No. 84-14)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.209 Consent agenda.**

The consent agenda shall consist of all matters brought before the board for action that do not require a public hearing. All items on the consent agenda shall be approved by motion without debate. An item may be removed from the consent agenda prior to approval at the request of any member of the board present at the meeting. Items removed from the consent agenda shall be considered immediately.

(AR No. 84-14; AR No. 98-23, § 2, 1-27-98)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.210 Adjournment.**

The deadline for adjournment of all meetings shall be 12:00 midnight. The chairman shall an-

nounce at adjournment whether the meeting will be continued, the date to which continued, and the time and place at which the continued meeting will be held.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126; AR No. 84-14)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### ARTICLE III. PUBLIC HEARINGS

#### 21.11.301 Record of proceedings.

A tape recording shall be made of each public hearing. The secretary shall record the minutes and also prepare action summaries. The minutes shall include each decision of the board, with findings made and the vote of each member of the board for the respective decision. A copy of the minutes shall be signed by the secretary, and the minutes and the action summaries shall be submitted to the board for approval at the next regular meeting of the board.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### 21.11.302 Testimony and cross examination.

A. Formal rules of evidence shall not apply to any proceeding before the board. The chairman may exclude or terminate testimony not deemed to be relevant in the case before the board.

B. Testimony of persons appearing before the board shall be limited as follows: petitioner (including all of his/her representatives), ten minutes; community council representatives, five minutes; representatives of other groups, three minutes; individuals, three minutes. The petitioner may reserve time for rebuttal at the end of the public hearing. The board may extend the time period for any person where it deems the additional testimony to be new and necessary to its decision on the case.

C. Cross examination shall be permitted only through the chairman. Municipal staff and members of the board may, through the chair, question the applicant and other persons who have testified. Any interested party may direct questions to the staff or any person testifying by submitting

the question to the chairman. The chairman shall redirect the question to the appropriate person unless he determines it to be irrelevant or that presenting the question will unreasonably disrupt or delay the proceeding. The chairman of the board may modify or restrict the scope, extent or method of cross examination in order to assure the fundamental fairness of the proceedings before the board, to prevent undue delay, irrelevant cross examination, or harassment of persons offering testimony to the board.

(AR No. 81-6; AR No. 83-126; AR No. 98-236, § 1, 8-18-98)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### 21.11.303 Subpoenas.

All parties shall have the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

#### 21.11.304 Decision.

A. Every decision made by the board shall be based on and include findings of fact and conclusions. Every finding of fact shall be supported in the record of the proceedings. The findings shall be sufficient to provide a reasonable basis for understanding the reasons for the decision. In considering and applying any applicable approval criteria, the board shall make specific findings as to why the criteria have or have not been met.

B. The findings of fact and decision of the board at the scheduled hearing shall become final seven (7) calendar days after the date the decision is made on the record, unless:

1. Prior to the expiration of the seventh day, a written request is received by the secretary to:
  - a. Prepare a written decision based upon the record made at the hearing; and
  - b. The request is accompanied by a written notice of intent to appeal.

C. If a written request is received within seven (7) calendar days of the board's decision on the record, the secretary shall prepare proposed written findings of fact and decision to submit to the board at its next regularly scheduled meeting, or as soon thereafter as feasible.

D. Board review of the written findings of fact and decision shall have priority over regular agenda items, and shall be approved, as amended by the board if necessary, and become the final appealable decision of the board.

E. Within twenty (20) days of the approval of the final appealable decision pursuant to subsection D. above, an applicant or other interested person must file with the municipal clerk either:

1. A written motion alleging new evidence or changed circumstances, pursuant to section 21.11.503; or
2. An appeal of the board's final appealable decision, pursuant to municipal code chapter 21.30.

F. If a motion alleging new evidence or changed circumstances is timely filed pursuant to subsection E.1. above, the time for appeal is stayed pending a decision on the motion. In the event the board determines to reopen and/or rehear new evidence or changed circumstances, time for appeal is stayed pending a decision on rehearing.

1. A board decision on a motion, with or without rehearing, is not a final appealable decision for purposes of a subsequent motion alleging new evidence or changed circumstances. A subsequent motion alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the board.

G. After a decision by the board on a timely filed motion alleging new evidence or changed circumstances, the time for appeal shall begin to run. An applicant or other interested person must file an appeal within ten (10) days after the date of the board's decision, or the initial decision of the board shall become final.

(AR No. 81-6; AR No. 83-126; AR No. 84-227; AR No. 2004-215(S), § 5, 12-7-04; AR No. 2005-15, § 2, 2-15-05)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### **21.11.305 Postponements.**

Upon its own motion at any time before a motion for decision on the matter is made, at the request of a board member or a person appearing before the board, the board may postpone the matter before the board for cause stated on the record. Postponement for more than two weeks shall require the consent of the applicant. Re-notice of the new time for hearing is only necessary if the postponement is for more than four weeks or if no date certain is set for the hearing at the time of postponement.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### **21.11.306 Conflicts of interest—Disclosure.**

A. No board member shall participate in any decision in which he/she has a possible conflict of interest unless, after full disclosure to the board, his/her participation is approved by a majority of the full board. The vote shall be recorded on the public record.

B. Any board member who has a possible conflict of interest in a pending matter shall bring this information to the attention of the board before the staff begins its presentation or as soon thereafter as the board member recognizes his/her possible conflict of interest. It is the responsibility of each board member to fully disclose facts showing any possible conflict of interest. Where those facts involve information of a confidential or scandalous nature, the conflict may be discussed in executive session.

C. The board shall find a conflict of interest and refuse to approve the participation of a board member if:

1. The board member or a member of his/her immediate family has a measurable financial interest in any property affected by the matter to be decided; or
2. The board member or a member of his/her immediate family could foreseeably profit in any material way because of the matter to be decided; or



3. If the board member would be faced with a violation of the code of ethics of the municipality by participating in the matter to be decided.

The board shall also consider whether the personal interest or involvement of the board member in the matter to be decided would prevent that member from fairly evaluating the evidence or that, based on all the surrounding circumstances, participation by the board member would create the appearance of impropriety in the proceedings. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.

D. Any member found by the board to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AO No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

## ARTICLE IV. APPLICATIONS

### 21.11.401 Duties.

The board shall hear and decide all matters with respect to subdivision of lands properly brought before the board in accordance with its duties under Anchorage Municipal Code 21.10.020. (AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.020, 21.10.035.

### 21.11.402 Application to board.

A. An administrative hearing is initiated by the filing of a written application with the department of community planning for any of the following:

1. Vacation of public interest in lands;
2. Preliminary plat approval;
3. Final plat approval;
4. Appeal of the platting officer's decision under abbreviated plat procedure;
5. Modification of conditions of plat approval;

6. Grant of exceptions under Anchorage Municipal Code 21.75.025;
7. Variances from the subdivision regulations; and
8. Extensions of time for filing final plat.

B. The application must conform to the requirements of Anchorage Municipal Code 21.15.010 or 21.15.100—21.15.135, as applicable. The director of community planning shall not forward to the board any application which is not complete. All material provided by the applicant in support of the application shall be included in the board members' packets. No revisions to the application by the applicant will be considered which are subsequent to distribution of the packets to the board.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

### 21.11.403 Date of hearing.

Following the filing of an application, the secretary shall promptly place the case on the agenda of the board. Matters shall be heard in the order placed on the agenda in accordance with the order of business, unless the agenda is revised by the action of the board.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

## ARTICLE V. MISCELLANEOUS PROCEDURES

### 21.11.501 Appearance requests.

An appearance request must state the purpose and topic of the appearance and include any related narrative and graphics. If the graphics are of a size that cannot be readily reproduced, ten copies shall be submitted with the appearance request. No matter brought before the board as an appearance request shall be decided at that time if a public hearing would ordinarily be required. The matter may be rescheduled for public hearing at the request of the person making the appearance after proper notice to the public.

(AR No. 81-6; AR No. 83-126)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.502 Reconsideration.**

Any member of the board on the prevailing side of a decision may request reconsideration of any vote of the board if the notice of reconsideration is filed within 24 hours of the original vote. Saturdays, Sundays and municipal holidays shall not be counted in the time allowed. The notice shall be filed with the secretary, either verbally or in writing, if served after the meeting has adjourned. A motion to reconsider must be seconded. The notice of reconsideration shall be considered as a special order of business at the next regular meeting after publication.

(AR No. 78-17; AO No. 80-79; AR No. 80-131; AR No. 81-6; AR No. 83-126; AO No. 2009-134, § 1, 1-12-10)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

**21.11.503 New evidence—Changed circumstances.**

A. An allegation of new evidence or changed circumstances may be the basis for reopening the public hearing or for rehearing a matter previously decided by the board. Any such allegations shall be raised by written motion for rehearing or reopening the hearing, and shall be filed with the municipal clerk no later than twenty (20) days after the board's initial decision becomes final pursuant to section 21.11.304D.

B. Upon the filing of a motion under this section, the board shall expedite its consideration of the motion and shall determine whether to rehear or reopen the matter. The board shall reopen a public hearing or rehear the matter previously decided if the board determines that:

1. If true, that the alleged new evidence or changed circumstances would substantially change the decision of the board; and that
2. The person alleging the new evidence or changed circumstances acted promptly and with diligence in bringing the information to the board's attention.

C. If the board determines to reopen a public hearing or rehear a matter previously decided, it shall also determine the extent of the subject matter to be heard and indicate that in the public notice of the hearing.

D. A decision made by the board, as the result of rehearing under this section, is not an initial decision pursuant to subsection A. above; subsequent motions alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the board.

(AR No. 81-6; AR No. 83-126; AR No. 2004-215(S), § 6, 12-7-04)

**Authority**—Anchorage Municipal Code 3.40, 4.05.120, 21.10.035.

Regulation 21.12

**ZONING BOARD OF EXAMINERS AND APPEALS RULES OF PROCEDURE\***

**Article I. Officers**

- 21.12.110 Chair, vice-chair and parliamentarian.
- 21.12.120 Secretary.

**Article II. Meetings.**

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\***Editor's note**—AR No. 96-26(S), § 1, repealed regulation 21.12 and reenacted to read as herein set out. Formerly, such regulation pertained to similar provisions and derived from AR No. 78-16; AO No. 80-79; AR No. 87-269; AR No. 90-246; AR No. 92-208.

## ARTICLE I. OFFICERS

### 21.12.110 Chair, vice-chair and parliamentarian.

A. The board shall annually organize and elect a chair, vice-chair and parliamentarian at its first meeting in March.

B. The chair shall preside over the meeting of the board and shall exercise all the powers usually incident to the office. He/she shall be a voting member with full right to have his/her vote recorded in all deliberations of the board.

C. The vice-chair shall assume the duties of the chair in the event of absence or inability of the chair. The parliamentarian shall assume the duties of the vice-chair. In case of the absence or inability of the chair or vice-chair, the parliamentarian shall assume the duties of the chair. In case of the absence or inability of the chair, vice-chair and parliamentarian, the members present may elect for the meeting a temporary chair, who shall during such meeting have full powers of the chair.  
(AR No. 96-26(S), § 1, 3-12-96)

### 21.12.120 Secretary.

The director of department of community planning and development shall be the secretary. In the director's absence, another member of the department of community planning and development staff shall act as secretary. The secretary shall keep a record of all meetings of the board and shall keep such files as may be required.  
(AR No. 96-26(S), § 1, 3-12-96)

## ARTICLE II. MEETINGS

### 21.12.210 Time and place.

A. The scheduling and notice requirements regarding meetings of the board shall be in accordance with the public meetings requirements of chapter 1.25.

B. Regular meetings of the board shall be held on the second and fourth Thursday of the month at 6:30 p.m., unless notice of postponement is given each member at least 24 hours prior to that

time. Time of meeting may be changed by public notice in a manner prescribed for notice of public hearings. Should the board be unable to complete all of the agenda at a regular meeting, the agenda shall be continued to the following meeting, unless otherwise specified at the end of the meeting.

C. Special meetings may be called by the chair or secretary, provided that at least 24 hours notice of special meeting is given each member at his/her established business or residence.

D. Meetings of the board shall be held at a designated place. Notice of the meeting place shall be given to each member and advertised to the public at least seven days prior to the meeting.  
(AR No. 96-26(S), § 1, 3-12-96; AO No. 2009-134, § 1, 1-12-10)

### 21.12.220 Open to public.

A. All hearings and proceedings of the board shall be open to the public except as otherwise provided herein.

B. The board may by motion call for a recess at any time for the purpose of discussing matters in closed or executive session, in accordance with AS 44.62.310. Only those subjects expressed in the motion may be discussed. No official action may be taken in executive session. The public shall be excluded from all executive sessions.  
(AR No. 96-26(S), § 1, 3-12-96)

### 21.12.230 Quorum—Official action.

A. A majority of the full membership of the board shall constitute a quorum for the transaction of business.

B. Action by the board shall require the favorable vote of a majority of the fully constituted board. The fully constituted board shall include all members of the board, including vacancies, not excused for conflict of interest in the board action.  
(AR No. 96-26(S), § 1, 3-12-96)

### 21.12.240 Representatives.

Persons appearing before the board may appear in person or through a personal representa-

tive or attorney. The representative shall provide satisfactory proof of his/her authority upon the request of the board.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.250 Absence of member.**

Any member of the board anticipating an absence from a board meeting shall so advise the board chair or secretary prior to the meeting. Chronic tardiness by a board member is grounds for a motion recommending that the mayor and assembly replace a board member.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.260 Resolutions.**

All decisions and recommendations by the board shall be made by written resolution and shall include precise written findings of fact and conclusions. Resolutions shall be numbered consecutively within each year, according to sequence of approval and shall be signed by the chair and the secretary. The minutes of the meeting at which the resolution is adopted shall show the vote of each member.

(AR No. 96-26(S), § 1, 3-12-96; AR No. 2004-215(S), § 7, 12-7-04)

**21.12.270 Order of business.**

The order of business at all public meetings of the board shall be as follows:

- A. Roll call.
- B. Minutes.
- C. Special orders of business/executive sessions.
- D. Consent agenda:
  1. Resolutions for approval.
  2. Other business.
- E. Appearance requests.
- F. Unfinished business and unfinished public hearings.
- G. Regular agenda.
  1. Business removed from consent agenda.
  2. Other business.

H. Public hearings.

I. Reports.

1. Chair.
2. Secretary.
3. Committees.

J. Board member comments.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.280 Consent agenda.**

The consent agenda shall consist of all matters brought before the board for action that do not require a public hearing. All items on the consent agenda shall be approved by motion without debate. An item may be removed from the consent agenda prior to approval at the request of any member of the board present at the meeting. Items removed from the consent agenda shall be considered under the regular agenda.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.290 Adjournment.**

The deadline for adjournment of all meetings shall be 12:00 midnight. The chair shall announce at adjournment whether the meeting will be continued, the date to which continued, and the time and place at which the continued meeting will be held.

(AR No. 96-26(S), § 1, 3-12-96)

**ARTICLE III. PUBLIC HEARINGS—  
GENERAL**

**21.12.310 Record of proceedings.**

A tape recording shall be made of each public hearing. The secretary shall record the minutes. The minutes shall include each decision of the board, with findings made and the vote of each member of the board for the respective decision. A copy of the minutes shall be submitted to the board for approval at the next regular meeting of the board.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.320 Testimony and cross-examination.**

A. Testimony of persons appearing before the board shall be limited as follows: petitioner (including all of his/her representatives), ten minutes; representatives of groups, five minutes; individuals, three minutes. The petitioner may reserve time for rebuttal at the end of the public hearing. The board may extend the time period for any person where it deems the additional testimony to be new and necessary to its decision on the case.

B. Cross-examination shall be permitted of any witness by any party or by staff, but only through the chair. The chair shall redirect the question to the appropriate person unless he/she determines it to be irrelevant or presenting the question will unreasonably disrupt, delay or confuse the proceedings. The chair may modify or restrict the scope, extent or method of cross-examination in order to assure fundamental fairness of the proceedings before the board, to prevent undue delay, irrelevant cross-examination or harassment of persons offering testimony to the board.

C. Voluminous information should not be submitted to the board at the public hearing. Generally, maps, graphic, and photographs will be allowed. Typewritten information should be limited to one page. Information may be accepted, if the board chooses to allow the additional information. If the petitioner insists that the voluminous information is important and critical to the case, the hearing will be postponed for 30 days to allow staff to review the information, include it in the board member packet, and allow a thorough review of the board.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.330 Subpoenas.**

All parties shall have the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.340 Decision.**

A. Every decision made by the board shall be based on and include written findings of fact and conclusions. Every finding of fact shall be sup-

ported in the record of the proceedings. The findings shall be sufficient to provide a reasonable basis for understanding the reasons for the decision. In considering and applying any applicable approval criteria, the board shall make specific findings as to why the criteria have or have not been met.

B. Every final decision of the board shall clearly state on its face it is a final decision with respect to all issues involved in the case, and that the parties have thirty (30) days from the date of mailing, or other distribution of the decision, to file an appeal to the superior court.

C. Only those members shall participate in the decision who have been present at all public hearings on the matter before the board or who state on the record that they have reviewed available records and are sufficiently familiar with the testimony and material presented at any missed hearings to make an informed decision. (AR No. 96-26(S), § 1, 3-12-96; AR No. 2004-215(S), § 8, 12-7-04)

**21.12.350 Postponements.**

A. Upon its own motion at any time before a decision on the matter is made, at the request of a board member or a person appearing before the board, the board may postpone the matter before the board for cause stated on the record. Re-notice of the new time for hearing is only necessary if the postponement is for more than four weeks or if no date certain is set for the hearing at the time of postponement.

B. When the board has only a quorum in attendance a petitioner shall have the option of postponement without prejudice on the case before the board.

(AR No. 96-26(S), § 1, 3-12-96)

**21.12.360 Conflicts of interest—Disclosure.**

A. No board member shall participate in any decision in which he/she has a possible conflict of interest unless, after full disclosure to the board, his/her participation is approved by a majority of the full board. The vote shall be recorded on the public record.

B. Any board member who has a possible conflict of interest in pending matter shall bring this information to the attention of the board before the staff begins its presentation or as soon thereafter as the board member recognizes his/her possible conflict of interest. It is the responsibility of each board member to fully disclose facts showing any possible conflict of interest. Where those facts involve information of a confidential or scandalous nature, the conflict may be discussed in executive session.

C. The board shall find a conflict of interest and refuse to approve the participation of a board member if:

1. The board member or member of his/her immediate family has a measurable financial interest in any property affected by the matter to be decided; or
2. The board member or member of his/her immediate family could foreseeably profit in any material way because of the matter to be decided; or
3. If the board member would be faced with a violation of the code of ethics of the municipality under the conflict of interest provisions of section 1.15 by participating in the matter to be decided.

The board shall also consider whether the personal interest or involvement of the board member in the matter to be decided would prevent that member from fairly evaluating the evidence or that, based on all the surrounding circumstances, participation by the board member would create the appearance of impropriety in the proceedings. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.

D. Any member found by the board to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter.

(AR No. 96-26(S), § 1, 3-12-96)

#### **21.12.370 Ex parte contacts prohibited.**

Ex parte contacts are prohibited by section 3.60.065. If, however, a board member obtains information from outside of the public hearing

process, whether through inadvertent ex parte communications with interested parties or through specific personal knowledge of a case, he/she shall fully disclose the information or knowledge to the board during the public hearing, along with the source of that information. Such ex parte communications or personal knowledge of a case shall not constitute a conflict of interest or other basis for excuse from participation in any case. Ex parte contacts shall be also prohibited for matters under reconsideration by the board.

(AR No. 96-26(S), § 1, 3-12-96)

### **ARTICLE IV. APPEALS HEARINGS**

#### **21.12.410 Applicability.**

The provisions of this article apply only to consideration of appeals by the board from decisions and orders of administrative officials under sections 21.30.110—21.30.190.

(AR No. 96-26(S), § 1, 3-12-96)

#### **21.12.420 Scope of review.**

In hearing appeals from enforcement orders and administrative decisions, the board shall conduct a full evidentiary hearing and base its decision on the applicable provisions of the Municipal Code, the evidence and argument presented.

(AR No. 96-26(S), § 1, 3-12-96)

#### **21.12.430 Testimony under oath.**

Except for sworn officers of the court, all testimony shall be given under oath, as administered prior to that testimony. After the witness raises his/her right hand the oath shall be read as follows:

"Do you solemnly swear or affirm that the testimony that you are about to give is the truth?" (An affirmative reply by the witness is mandatory.)

(AR No. 96-26(S), § 1, 3-12-96)

#### **21.12.440 Order of business.**

A. The chair shall introduce the appeal and explain the procedure to be followed. The appeal case number and the name of the appellant shall be read into the record.

B. The board shall hear and rule on any objections to the sufficiency of notice.

C. The chair shall call upon all persons intending to testify on the appeal before the board to execute the oath specified in section 21.12.430 above. At the chair's discretion the oath may be administered to all persons as a group or to each individual before commencing testimony.

D. The board shall hear a brief staff presentation outlining the appeal.

E. The appellant shall give his/her presentation. Throughout the proceedings, the burden of proof rests upon the appellant, who must convince the board by a preponderance of the evidence, that the appeal should be granted. On conclusion of the appellant presentation, the board members and the staff may then direct questions to the appellant through the chair.

F. The staff shall then give its presentation. On conclusion of the staff presentation, the board members and the appellant may then direct questions to the staff through the chair.

G. The hearing shall then be open for public testimony. All persons who testify may be questioned by the board, staff or the appellant.

H. On conclusion of the public testimony, the staff, followed by the appellant, shall have the right of rebuttal presentation.

I. The board shall proceed to develop oral findings and conclusions with regard to the appeal and disposition of the appeal. The staff shall reduce the oral findings and conclusions to writing for subsequent adoption by the board at a later meeting.

(AR No. 96-26(S), § 1, 3-12-96)

## ARTICLE V. VARIANCE HEARINGS

### 21.12.510 Applicability.

The provisions of this article apply only to consideration of variances by the board pursuant to section 21.15.010.

(AR No. 96-26(S), § 1, 3-12-96)

### 21.12.520 Order of business.

A. The chair shall introduce the variance and explain the procedure to be followed. The variance case number and the name of the applicant shall be read into the record.

B. The board shall hear and rule on any objections to the sufficiency of notice.

C. The board shall hear a brief staff presentation outlining the variance. On conclusion of the staff presentation, the board members and the applicant may then direct questions to the staff through the chair.

D. The applicant shall give his/her presentation. Throughout the proceedings, the burden of proof rests upon the applicant, who must convince the board by a preponderance of the evidence, that the variance should be granted. On conclusion of the applicant's presentation, the board members and the staff may then direct questions to the applicant through the chair.

E. The hearing shall then be open for public testimony. All persons who testify may be questioned by the board, staff or the applicant.

F. On conclusion of the public testimony, the staff, followed by the appellant, shall have the right of rebuttal.

G. The board shall proceed to develop oral findings and conclusions with regard to the variance and disposition of the variance. The staff shall reduce the oral findings and conclusions to writing for subsequent adoption by the board at a later meeting.

(AR No. 96-26(S), § 1, 3-12-96)



Regulation 21.13

**URBAN DESIGN COMMISSION RULES OF PROCEDURE**

**Article I. Officers**

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- 21.13.120 Secretary.

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**Article IV. Applications**

- 21.13.410 Duties.
- 21.13.420 Application to commission.
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- 21.13.510 Appearance requests.
- 21.13.520 Reconsideration.
- 21.13.530 New evidence—Changed circumstances.

## ARTICLE I. OFFICERS

### 21.13.110 Chair and vice-chair.

A. The commission shall annually organize and elect a chair and vice-chair at its first meeting in March.

B. The chair shall preside over the meetings of the commission and shall exercise all the powers usually incident to the office. He/she shall be a voting member with full right to have his/her vote recorded in all deliberations of the commission. The chair or his/her designated appointee shall attend Anchorage Assembly meetings at which important commission recommendations are presented and shall speak on behalf of the commission.

C. The vice-chair shall assume the duties of the chair in the event of absence or inability of the chair. A member of the commission shall assume the duties of the vice-chair. In case of the absence or inability of the chair and vice-chair, the members present may elect for the meeting a temporary chair, who shall during such meeting have full powers of the chair.

(AR No. 2003-342, § 1, 1-6-04)

### 21.13.120 Secretary.

The director of planning shall be the secretary. In the director's absence, another member of the planning staff shall act as secretary. The secretary shall keep a record of all meetings of the commission and shall keep such files as may be required.

(AR No. 2003-342, § 1, 1-6-04)

## ARTICLE II. MEETINGS

### 21.13.210 Time and place.

A. Regular meetings of the commission shall be held on the second Wednesday of the month at 6:30 p.m., unless notice of postponement is given each member at least 24 hours prior to that time. The time of meeting may be changed by public notice in a manner prescribed for notice of public hearings. Should the commission be unable to complete all of the agenda at a regular meeting,

the agenda shall be continued to the following Wednesday meeting, unless otherwise specified at the end of the scheduled date.

B. Special meetings may be called by the chair or secretary, provided that at least 24 hours notice of a special meeting is given each member at his/her established business or residence.

C. Regular meetings of the commission shall be held at a designated place. Notice of the meeting place shall be given to each member and advertised to the public at least seven days prior to the meeting.

(AR No. 2003-342, § 1, 1-6-04; AO No. 2009-134, § 1, 1-12-10)

### 21.13.220 Open to public.

A. All hearings and proceedings of the commission shall be open to the public except as otherwise provided herein.

B. The commission may at any time go into executive session from which the general public may be excluded by a vote of the majority of the members taken at a public meeting. No subjects may be considered at the executive session except for those mentioned in the motion calling for an executive session unless auxiliary to the main question. No action may be taken at the executive session. Only the following subjects may be discussed at an executive session:

1. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit; and
2. Subjects which tend to prejudice the reputation and the character of any person, provided the person may request a public discussion; and
3. Matters which by law, Municipal Charter, or ordinances are required to be confidential.

(AR No. 2003-342, § 1, 1-6-04)

### 21.13.230 Quorum—Official action.

A. A majority of the full membership of the commission shall constitute a quorum for the transaction of business.

B. Action by the commission shall require the favorable vote of a majority of the full membership of the commission.

C. Full membership means a majority of nine, less the number of commissioners excused for conflicts of interest.

(AR No. 2003-342, § 1, 1-6-04)

#### **21.13.240 Representatives.**

Persons appearing before the commission may appear in person, or through a personal representative or attorney. The representative shall provide satisfactory proof of his or her authority upon the request of the commission.

(AR No. 2003-342, § 1, 1-6-04)

#### **21.13.250 Absence of member.**

Any member of the commission anticipating an absence from a commission meeting shall so advise the commission chair or secretary prior to the meeting.

(AR No. 2003-342, § 1, 1-6-04)

#### **21.13.260 Resolutions.**

All recommendations and decisions by the commission shall be made by written resolution and shall include the precise findings and conclusions made. Resolutions shall be numbered consecutively within each year, according to sequence of approval, and shall be signed by the chair and the secretary. The minutes of the meeting at which the resolution is adopted shall show the vote of each member.

(AR No. 2003-342, § 1, 1-6-04; AR No. 2004-215(S), § 9, 12-7-04)

#### **21.13.270 Agenda.**

The agenda for each regular meeting of the commission shall be prepared by the secretary, and shall be distributed along with the packet to each member at least five days prior to the meeting, except for special meetings.

(AR No. 2003-342, § 1, 1-6-04)

#### **21.13.275 Order of business.**

The order of business at all public meetings of the commission shall be as follows:

- A. Roll call.
- B. Minutes.
- C. Special order of business/executive sessions.
- D. Consent agenda.
  1. Resolutions for approval.
  2. Introduction of text amendments to the Anchorage Municipal Code and area-wide planning documents.
  3. Site plans/landscape plans for approval.
  4. Time extensions; expedited hearing requests; minor conditional use amendments.
  5. Other.
- E. Unfinished business and unfinished action on public hearing items.
- F. Regular agenda.
  1. Resolutions for approval.
  2. Introduction of text amendments to the Anchorage Municipal Code and area-wide planning documents.
  3. Site plans/landscape plans for approval.
  4. Time extensions; expedited hearing requests; minor conditional use amendments.
  5. Other.
- G. Public hearings (must end no later than 11:30 p.m.).
- H. Appearance requests.
- I. Reports.
  1. Chair.
  2. Secretary.
  3. Committee.
- J. Commissioners' comments.  
(AR No. 2003-342, § 1, 1-6-04)

**21.13.280 Consent agenda.**

The consent agenda shall consist of all matters brought before the commission for action that do not require a public hearing. All items on the consent agenda shall be approved by motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the commission present at the meeting. Items removed from the consent agenda shall be considered on the regular agenda. All consent agenda matters with a staff recommendation for action shall be accompanied by written concurrence and agreement by the petitioner.

(AR No. 2003-342, § 1, 1-6-04)

**21.13.290 Adjournment.**

The deadline for adjournment of all meetings shall be 12:00 midnight.

(AR No. 2003-342, § 1, 1-6-04)

**ARTICLE III. PUBLIC HEARINGS****21.13.310 Record of proceedings.**

A tape recording shall be made of each public hearing. The secretary shall record the minutes. The minutes shall include each decision of the commission, with findings made and the vote of each member of the commission for the respective decision. A copy of the draft minutes shall be submitted to the commission prior to the next regular meeting.

(AR No. 2003-342, § 1, 1-6-04)

**21.13.320 Testimony.**

A. Formal rules of evidence shall not apply to any proceeding before the commission. The chair may exclude or terminate testimony not deemed to be relevant in the case before the commission. On opening a public hearing, the petitioner shall present his/her oral evidence or waive the oral presentation.

B. Testimony of persons appearing before the commission shall be limited as follows: petitioner (including all his/her representatives), ten minutes; representatives of groups, five minutes; individuals, three minutes. The petitioner may re-

serve a maximum of five minutes for rebuttal at the end of the public hearing. The commission may extend the time period for any person where it deems the additional testimony to be new and necessary to its decision on the case.

C. Municipal staff and members of the commission may, through the chair, question the applicant and other persons who have testified. Any interested party may direct questions to the staff, or any person testifying by submitting the question to the chair. The chair shall redirect the question to the appropriate person unless he/she determines it to be irrelevant, or that presenting the question will unreasonably disrupt or delay the proceeding. The presiding officer of the commission may modify or restrict the scope, or extent in order to assure the fundamental fairness of the proceedings before the commission, to prevent undue delay or harassment of persons offering testimony to the commission.

(AR No. 2003-342, § 1, 1-6-04)

**21.13.340 Decision.**

A. Every decision made by the commission shall be based on and include findings of fact and conclusions. Every finding of fact shall be supported in the record of the proceedings. The findings shall be sufficient to provide a reasonable basis for understanding the reasons for the decision. In considering and applying any applicable approval criteria, the commission shall make specific findings as to why the criteria have or have not been met.

B. The findings of fact and decision of the commission at the scheduled hearing shall become final seven (7) calendar days after the date the decision is made on the record, unless:

1. Prior to the expiration of the seventh day, a written request is received by the secretary to:
  - a. Prepare a written decision based upon the record made at the hearing; and
  - b. The request is accompanied by a written notice of intent to appeal.

C. If a written request is received within seven (7) calendar days of the commission's decision on the record, the secretary shall prepare proposed

written findings of fact and decision to submit to the commission at its next regularly scheduled meeting, or as soon thereafter as feasible.

D. Commission review of the written findings of fact and decision shall have priority over regular agenda items, and shall be approved, as amended by the commission if necessary, and become the final appealable decision of the commission.

E. Within twenty (20) days of the approval of the final appealable decision pursuant to subsection D. above, an applicant or other interested person must file with the municipal clerk either:

1. A written motion alleging new evidence or changed circumstances, pursuant to section 21.13.530; or
2. An appeal of the commission's final appealable decision, pursuant to code chapter 21.30.

F. If a motion alleging new evidence or changed circumstances is timely filed pursuant to subsection E.1. above, the time for appeal is stayed pending a decision on the motion. In the event the commission determines to reopen and/or rehear new evidence or changed circumstances, time for appeal is stayed pending a decision on rehearing.

1. A commission decision on a motion, with or without rehearing, is not a final appealable decision for purposes of a subsequent motion alleging new evidence or changed circumstances. A subsequent motion alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the commission.

G. After a decision by the commission on a timely filed motion alleging new evidence or changed circumstances, the time for appeal shall begin to run. An applicant or other interested person must file an appeal within ten (10) days after the date of the commission's decision, or the initial decision of the commission shall become final.

(AR No. 2003-342, § 1, 1-6-04; AR No. 2004-215(S), § 10, 12-7-04; AR No. 2005-15, § 3, 2-15-05)

### **21.13.350 Postponements.**

A. Upon its own motion at any time before a decision on the matter is made, at the request of a commission member or a person appearing before the commission, the commission may postpone any matter before the commission for cause stated on the record. Renotice of the new time for hearing is only necessary if the postponement is for more than four weeks, or if no date certain is set for the hearing at the time of postponement.

B. When the commission has only a quorum in attendance, a petitioner shall have the option of postponement without prejudice on the case before the commission.

(AR No. 2003-342, § 1, 1-6-04)

### **21.13.360 Conflicts of interest - Disclosure.**

A. No commission member shall participate in any decision in which the commission determines either that such member has a conflict of interest, as defined in Anchorage Municipal Code section 3.60.070, or that such member has a personal interest or involvement in the case which would prevent that member from fairly evaluating the case, or that, based on all surrounding circumstances, participation by such member would create the appearance of impropriety in the proceedings. The commission's determination shall take into consideration the interest of the public in a commission which has familiarity with the community and its past and future development. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.

B. Any commission member who has a possible conflict of interest in a pending matter shall bring this information to the attention of the chair before the staff begins its presentation, or as soon thereafter as the commissioner recognizes a possible conflict. It shall be the responsibility of each commission member to fully disclose facts showing any known conflict of interest or other personal interest or involvement. Where appropriate under section 21.13.220B. above, the conflict may be discussed in executive session.

C. A commission member who has a possible conflict of interest in a matter for decision may participate in that decision only upon the affirma-

tive vote of a majority of all remaining commission members present. Such vote shall be recorded on the public record.

D. Any member excused under this section shall not further participate on the commission in any manner for the matter on which he/she abstains.

(AR No. 2003-342, § 1, 1-6-04)

#### ARTICLE IV. APPLICATIONS

##### 21.13.410 Duties.

The commission shall hear and decide all matters properly brought before it in accordance with its duties under Anchorage Municipal Code 21.10.015.

(AR No. 2003-342, § 1, 1-6-04)

##### 21.13.420 Application to commission.

An administrative hearing is initiated by the filing of a written application with the department of planning which conforms to the requirements of Anchorage Municipal Code 21.15. The director of the department of planning shall not forward to the commission any application which is not complete. All material provided by the applicant in support of the application shall be included in the commission members' packets. No supplemental material may be submitted to the commission for its consideration after the packet has been distributed to the commission, except at the discretion of the commission.

(AR No. 2003-342, § 1, 1-6-04)

##### 21.13.430 Date of hearing.

Following the filing of an application, the secretary shall promptly place the case on the agenda of the commission. Matters shall be heard in the order placed on the agenda in accordance with the order of business, unless the agenda is revised by the action of the commission.

(AR No. 2003-342, § 1, 1-6-04)

#### ARTICLE V. MISCELLANEOUS PROCEDURES

##### 21.13.510 Appearance requests.

An appearance request must state the purpose and topic of the appearance, and include any

related narrative and graphics. If the graphics are of a size that cannot be readily reproduced, ten copies shall be submitted with the appearance request. Appearance requests are limited to five minutes, and are limited to subjects not related to a pending agenda item. No matter brought before the commission as an appearance request shall be decided at that time if a public hearing would ordinarily be required. The matter may be rescheduled for public hearing at the request of the person making the appearance after proper notice to the public.

(AR No. 2003-342, § 1, 1-6-04)

##### 21.13.520 Reconsideration.

Any member of the commission on the prevailing side may request reconsideration of any vote of the commission if the notice of reconsideration is filed within 24 hours of the original vote. Saturdays, Sundays and municipal holidays shall not be counted in the time allowed. The notice must be filed with the secretary if served after the meeting has adjourned. A motion to reconsider must be seconded. The notice of reconsideration shall be considered as a special order of business at the next regular meeting.

(AR No. 2003-342, § 1, 1-6-04)

##### 21.13.530 New evidence - Changed circumstances.

A. An allegation of new evidence, or changed circumstances may be the basis for reopening the public hearing, or a rehearing of a matter previously decided by the commission. Any such allegations shall be raised by written motion for rehearing or reopening the hearing, and shall be filed with the municipal clerk no later than twenty (20) days after the commission's initial decision becomes final pursuant to section 21.13.340D.

B. Upon the filing of a motion under this section, the commission shall expedite its consideration of the motion and shall determine whether to rehear or reopen the matter. The commission shall reopen the public hearing or rehear the matter previously decided if the commission determines:

1. If true, that the alleged new evidence, or changed circumstances would substantially change the decision of the commission; and that

2. The person alleging the new evidence, or changed circumstances acted promptly and with diligence in bringing the information to the commission's attention.

C. If the commission holds a rehearing, it shall determine the extent of the subject matter to be presented, and shall indicate the limitations on the public hearing.

D. A decision made by the commission, as the result of rehearing under this section, is not an initial decision pursuant to subsection A. above; subsequent motions alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the commission.

(AR No. 2003-342, § 1, 1-6-04; AR No. 2004-215(S), § 11, 12-7-04)

Regulation 21.15

**REGULATIONS GOVERNING PLATTING PROCEDURES**

- 21.15.001 Submittal of plat application.
- 21.15.002 Platting board agenda control.
- 21.15.003 Format of final plat document.



**21.15.001 Submittal of plat application.**

A. An application for a preliminary plat or a plat vacation shall be reviewed at the next meeting of the platting board if that application has been filed 60 or more days before that meeting.

B. An application for an abbreviated plat which can be approved by the platting officer shall be reviewed by the planning department within 60 days following its receipt by the planning department.

(AO No. 80-79; AO No. 2002-95, § 4, 7-16-02)

**Editor's note**—AO 2002-95, § 5 provides: On or before August 15, 2003, the Administration shall report to the Assembly the experience with the effect of AO 2002-95's amendments and the public's reaction thereto. If the Assembly fails to reauthorize the amendments provided for in AO 2002-95 on or before January 15, 2004, then AO 2002-95 shall sunset and be automatically repealed without any action of the Assembly.

**Authority**—Anchorage Municipal Code 3.40, 21.15.110, 21.15.115, 21.15.125.

**21.15.002 Platting board agenda control.**

The platting officer shall schedule the agenda for each meeting of the platting board. All appearance requests received at least ten days before a meeting of the platting board shall be scheduled on the agenda of that meeting.

(AO No. 80-79)

**Authority**—Anchorage Municipal Code 3.40, 21.10.010, 21.10.020, 21.15.115.

**21.15.003 Format of final plat document.**

All final plat documents tendered to the planning department for recording shall be submitted in a form approved by the director of the department.

(AO No. 80-79)

**Authority**—Anchorage Municipal Code 3.40, 21.15.120.

## PUBLIC WORKS PLAT CHECKLIST

SURVEYOR \_\_\_\_\_ TITLE \_\_\_\_\_  
 TELEPHONE NO. \_\_\_\_\_ CASE NO. S- \_\_\_\_\_

Mylar signed by Plat Review Surveyor

Date \_\_\_\_\_ Initial \_\_\_\_\_

## LEGEND

Preliminary Check: - Acceptable  
 Final Check: X - Not acceptable  
 O - Not applicable  
 T - Not checked  
 X Unk - Unknown, must check later

DATE, TIME MYLAR RECEIVED \_\_\_\_\_

DATE, TIME BLUELINES RECEIVED \_\_\_\_\_

- I. PLAT MATERIAL (Diazo not acceptable):
  - A. Mylar.
  - B. Direct positive photographic reproducible polyester.
  - C. Black waterproof acetate ink.
- II. PLAT SIZE:
  - A. 18 inches by 24 inches.
  - B. 24 inches by 36 inches.
  - C. 31.5 inches by 34 inches.
  - D. If more than one sheet, all sheets same size and consecutively numbered.
- III. PLAT SCALE:
  - A. 1 inch = 100 feet.
  - B. 1 inch = 200 feet.
  - C. Approved variance.
- IV. PLAT ACCURACY:
 

(Use scale to check for drafting errors)

(Use plats and 100 scale to verify data)
- V. GENERAL:
  - A. Subdivision name.
  - B. Surveyor name.
  - C. Surveyor address.
  - D. Subdivider name.
  - E. Subdivider address.
  - F. Certificate of the land surveyor.
  - G. Surveyor seal with signature.

- H. North arrow.
  - I. Quarter section, township, range, meridian.
  - J. Total acreage.
  - K. Measurements to 0.01 foot.
  - L. If reversion, the purpose of this plat is a reversion to acreage.
- VI. LOCATION MAP:
- A. Section, township, range, meridian.
  - B. Municipality of Anchorage grid.
  - C. Adjoining roads showing access clearly.
  - D. Physical features.
- VII. ADJACENT PROPERTY:
- A. Broken lines.
  - B. If subdivided:
    - 1. Adjacent subdivision name.
    - 2. Adjacent lot numbers.
  - C. If unsubdivided, indicate as such.
- VIII. SUBDIVISION LOTS AND BLOCKS:
- A. All lot lines drawn.
  - B. All lot and block numbers.
  - C. No dittos.
  - D. Lot numbers by block.
  - E. Block numbers.
  - F. Area of each lot in square feet.
  - G. "Not radial" if lot line not radial to curve.
  - H. Sufficient data to readily determine bearing and length of each line.
  - I. All lot corners have primary monument or rebar.
  - J. Mean high tide for land affected by tide with datum used.
  - K. If lot line cut by easement, show bearing and distance of lot line from lot corners to easement.
- IX. EASEMENT, RIGHT-OF-WAY:
- A. All rights-of-way, easements, section line easements shown.
  - B. Shown by broken line.
  - C. Location.
  - D. Width.
  - E. Purpose.
- X. STREETS:
- A. Name.
  - B. Centerline drawn, bearing and distance shown on tangents.

- C. Width of each side of centerline.
- D. Total width of each street.
- I. CURVES:
  - A. Length.
  - B. Tangent.
  - C. Radii.
  - D. Central angle.
- I. CONTROL:
  - A. Legal.
    - 1. Basis of bearings line shown.
    - 2. Source of basis of bearings.
    - 3. Basis of bearing between two monumented positions.
    - 4. All found monuments, courses, distances necessary to restake any portion of plat.
- II. LOT CORNERS:
  - A. Set monuments; all exterior and interior lot corner points that are not primary monuments shall be five-eighths-inch by 30-inch rebar with self-identifying cap attached.
  - B. Each line shall show bearing and distance.
- V. MONUMENTATION:
  - A. Found, set flush or reset monumentation.
    - 1. All monuments, stakes, other evidence which determines boundary.
    - 2. All monuments, courses, distances necessary to restake any portion of plat.
    - 3. Tie found and set points to plat with measured data.
    - 4. Plat requirements:
      - a. Delineation.
      - b. Diameter.
      - c. Height in relation of ground, at time of filing.
      - d. Accessories described.
      - e. Refer to previous plat showing point.
      - f. Minimum set monument is two-inch cap on two-inch by 30-inch pipe, set flushed, tamped.
      - g. Refer to field book.
    - 5. Reset by ties:
      - a. State same.
      - b. Refer to original field books or plat that shows ties.
    - 6. In traveled way:
      - a. Minimum of two reference monuments.
        - 1. Equidistant.
        - 2. Ninety degrees or 180 degrees to each other.
        - 3. Delineate and describe on plat.
        - 4. Set flush with ground.

- b. If two reference monuments set, referenced point may be five-eighths-inch by 30-inch rebar with self-identifying cap.
- 7. Stamping on set monuments:
  - a. By steel dies.
  - b. Subdivision name or initials.
  - c. Year.
  - d. L.S. registration number.
  - e. Exact transit point by punch mark.
- 8. Minimum two primary monuments on or within subdivision boundary.
  - a. If two monuments exist on or within boundary, municipal surveyor may waive additional monuments to be set.
  - b. Intervisible (on same straight property line).
  - c. Unobstructed line of sight.
  - d. Monuments tied to subdivision lines.
  - e. Distance between not greater than 1,320 feet.
  - f. No part of subdivision greater than 1,320 feet from a monument.
- B. Field check, date, initial and time: \_\_\_\_\_  
 Field book and pages: \_\_\_\_\_

**XV. M OF A COMPUTATIONS; INITIALS, DATE AND TIME:**

- A. Allowable error of closure:
  - 1. 1:10,000.
  - 2. 1:7,500.
  - 3. 1:5,000.
- B. Exterior boundary:
  - 1. Closure.
  - 2. Acreage.
- C. Street closure.
- D. Block boundary (using property lines).
- E. Lots.
  - 1. Closure.
  - 2. Area to square foot.
- F. Curve data correct.
  - 1. Not radial correct.
- G. Line summation.
- H. Proportioning correct.
- I. Easement closure.

## XVI. REVIEW COMMENTS:

Plat \_\_\_\_\_

Date and Time Action

Plat Sign-outs Require Date/Time Signature  
& CompanyPUBLIC WORKS  
ADDENDUM TO PLAT CHECKLIST

Revision 1992

AUTHORITY: Municipal Code, Chapter 21.15.120.A.3.b.

PREPARED BY: Municipal Surveyor, Project Management &amp; Engineering Div., Department of Public Works

The following is a detailed explanation of the plat checklist by the department of public works, engineering division, survey section, for final plat review. See attached plat checklist for cross reference to section and subsection. (AR No. 92-227)

## SECTION I. PLAT MATERIAL

There are two types of materials that a plat may be drawn on and one type of ink to be used for drawing. They are listed on the checklist. (AR No. 92-227)

## SECTION II. PLAT SIZE

There are three acceptable sizes of sheets for plat submittal. If more than one sheet is submitted, all sheets shall be the same size and consecutively numbered. See checklist. (AR No. 92-227)

## SECTION III. PLAT SCALE

A plat shall be drawn at a scale of one inch equals 100 feet, one inch equals 200 feet or at a scale approved by the platting officer. If details are shown, the scale of each detail is provided or states the detail is "NOT TO SCALE" or "NTS." (AR No. 92-227)

## SECTION IV. PLAT ACCURACY

Dimensions shall scale within ten feet when drawn at a one inch equals 100 feet scale, 20 feet when drawn at a one inch equals 200 feet scale. (AR No. 92-227)

## SECTION V. GENERAL

- A. The subdivision name shall be unique, no duplication will be allowed. The title block shall contain the following information:
1. Lists all lots and blocks that are created by the plat.
  2. Use the terms "resubdivision" and "subdivision" in accordance with title 21 of the Anchorage Municipal Code to describe the plat action.
  3. Provide a complete legal description of property being subdivided or resubdivided and include the district recorder's file number of the original plat.
  4. Include Anchorage Recording District as part of the legal description.

5. If the plat vacates a public right-of-way, the words "with vacation resolution no. \_\_\_\_\_" are included. The resolution number is from the platting board's approval resolution.
  6. If the plat vacates an easement, the words "with easement vacation" are included. No resolution number is required.
  7. The department of community planning's case number is placed below the title block as "S-\_\_\_\_\_."
  8. When the plat is comprised of more than one sheet, the title block for each sheet shall be identical to the first sheet.
- B. The surveyor's name or company name is shown.
- C. The surveyor's current mailing address is shown.
- D. The owners of the property are required to be identified as owner immediately below the owner's certificate and dedication block. The owner's signature shall be accompanied by his printed name. If the owner is a corporation, the title or position of the person signing for the corporation is shown.
- All persons/corporations having a beneficial interest in the subject property shall sign the plat. If [the] person is signing for a corporation, the title or position of the person signing for the corporation is shown.
- The signature of each owner and beneficiary shall be notarized, and the notary shall print the name of each person he or she has notarized.
- E. Show current mailing address for the owner(s).
- F. Chose the applicable surveyor's certificate in title 21. The surveyor's name is inserted in the proper space, the name of the plat or "this plat" is inserted in the proper space. If the plat has a subdivision agreement, the dates from that agreement appear in the proper spaces. For plats without a subdivision agreement, "N/A" is placed in both spaces.
- G. The surveyor's professional seal and signature in black ink shall be placed on the plat. When a plat is on more than one sheet, each sheet is sealed and signed. No additional certificates are required.
- H. A north arrow is required for the orientation of the drawing.
- I. The quarter section, section, township, range and meridian shall be included as a part of the legal description. See A.3 above.
- J. Total acreage of subdivision is shown in title block.
- K. All measurements of the boundary, within the boundary and any external ties to the boundary or from the centerline of right-of-way to right-of-way boundary shall be shown to 0.01 foot.
- L. "The purpose of this plat is a reversion to acreage" is placed on the plat when it meets the criteria in title 21. This generally is not used unless the resulting parcel exceeds one acre. (AR No. 92-227)

#### SECTION VI. LOCATION MAP

- A. The section number, township number, range number and meridian are shown.
- B. The numbers of the municipal grid/grids that the plat is in are shown. Grids may be obtained from the department of public works map reproduction counter.
- C. The map has the streets and street names showing access to the subdivision and an outline of the plat or arrow pointing to the subdivision.
- D. Show water bodies, section lines, or other features that help locate the subdivision, especially if roads are not currently constructed to the subdivision. (AR No. 92-227)

**SECTION VII. ADJACENT PROPERTY**

- A. Show adjacent property and right-of-way within approximately 300 feet using broken lines.
- B. For subdivided land show adjacent subdivision name or names and lot and block numbers within 300 feet of the plat's boundaries.
- C. If adjacent land is not subdivided, it is shown as unsubdivided. (AR No. 92-227)

**SECTION VIII. SUBDIVISION LOTS AND BLOCKS**

- A. Exterior boundary of the parent parcel being subdivided shall be drawn with a heavier line than interior lot lines.
- B. All lots, tracts, and blocks are clearly labeled with a number or letter and shall not duplicate existing lot numbers.
- C. No dittos are used.
- D. When multiple lots with the same number are on a plat, a block number is used for unique identification.
- E. Block numbers are clearly shown and block boundaries clearly shown.
- F. The area for each lot or tract is shown in square feet. For lots and tracts over 2½ acres, the area may be shown as "acres," but is shown to three decimal places.
- G. Lot lines that do not intersect right-of-way curves radially are shown as "not radial" or "NR." when all or the majority of side lot lines are "not radial," a note stating "All lot lines are non-radial unless otherwise noted" is acceptable.
- H. The bearing and distance along each line is clearly labeled.
- I. The plat clearly shows what was set at each property corner. This may be done by note or a symbol shown in a legend.
- J. Show a meander line to the mean high-water line of all properties whose boundary is determined by a water body or stream. Bearings and distances shall describe the meander lines. Reference to tidal datum if applicable.
- K. When an easement crosses a property line, a distance is shown from the crossing point to a property corner. (AR No. 92-227)

**SECTION IX. EASEMENT, RIGHT-OF-WAY**

- A. Easements which have been dedicated or are being dedicated shall be shown on the drawing. Easements acquired by record document can either be shown on the drawing or cited in a note stating the type of easement and the book and page number they are recorded at. All easements, section line easements or right-of-way reservations and rights-of-way shall be shown. Surveyor may elect to state that easements obtained by document are "not dedicated by this plat." Areas being dedicated to right-of-way shall be labeled with the statement "dedicated to right-of-way."
- B. Easements are shown by a broken line. If easement crosses property line, dash should intersect property line. All easement broken lines shall begin and end at a property line.
- C. All easements shall be clearly located in relation to property lines, if necessary, by distance and bearing to property corners.
- D. The width of an easement shall be clearly shown, any change in the width shall be clearly shown as well as to location of width change.



- E. The purpose of an easement shall be clearly stated. Previously platted or recorded easements retain their original purposes and that purpose is stated. Any easement acquiring additional purposes shall be stated. (AR No. 92-227)

#### SECTION X. STREETS

- A. All streets shall be named. Street names shall be approved by the department of public works, street names and addressing unit.
- B. Street centerlines shall be drawn with a line-dash-line with bearings and distances shown along tangents. Resubdivisions may not require the centerline bearing and distance information, consult municipal surveyor.
- C. All streets shall show a width between the centerline and right-of-way line on each side of centerline. Street widths are shown to the hundredth of a foot when they are dedicated. Where the original plat's widths are dedicated to the nearest foot, the nearest foot is all that is required to be shown.
- D. When a plat encompasses both sides of a street and no centerline was delineated on the original plat, then the total street width shall be cited. (AR No. 92-227)

#### SECTION XI. CURVES

- A. All curves show arc length.
- B. Tangent lengths are shown. When the beginning point of a curve is not tangent to a curve, a chord bearing or tangent bearing shall also be shown.
- C. A radius length is shown.
- D. The central angle is shown. Curve data may be shown within the drawing or shown in a curve data schedule with appropriate references in the drawing. Curve data schedules shall include:
  - 1. Reference letter or number.
  - 2. Central angle.
  - 3. Radius.
  - 4. Arc length.
  - 5. Tangent length.

Chord bearings and distances are desirable. See B above. (AR No. 92-227)

#### SECTION XII. CONTROL

- A. Legal.
  - 1. A plat shall have a basis of bearing line designated except when a waiver of field survey was granted for the plat.
  - 2. The basis of bearing line cites the record source using the district recorder's file number for the record plat or the date of acceptance when using BLM or GLO plats.
  - 3. The basis of bearing shall be between two existing monumented positions shown on a survey of public record.

The record distance and a measured distance between the two monuments shall be shown. The term "monument" means a physical object (natural or manmade) utilized by a land surveyor to physically identify a land boundary limit.

4. The plat shows all monuments and other evidence used to determine the boundary, with record and measured bearings and distances between them. The plat clearly indicates the source of all record information.

The plat clearly states how all positions of the boundary were determined. Abbreviations such as "PROP" for proportional, "BDI" [for] bearing-distance intersection, [and] "BBI" for bearing-bearing intersection are acceptable and should be described in the legend.

Positions which were established only for computational purposes and for which no physical objects were placed, are clearly labeled by a statement such as "NOTHING FOUND OR SET." (AR No. 92-227)

### SECTION XIII. LOT CORNERS

- A. All exterior and interior corners shall be monumented with five-eighths-inch by 30-inch rebar with a self-identifying cap placed on the rebar. A stamping of a typical cap shall be shown on the plat and identified as such. The cap shall bear the surveyor's license number.
- B. A bearing and distance shall be shown along all interior and exterior lines of the subdivision. (AR No. 92-227)

### SECTION XIV. MONUMENTATION

- A. Found, set or reset monumentation.

1—3. All monumentation used for determining the boundary shall be shown with measured bearings and distances ties to the boundary of the subdivision. Monuments shall exist at the time of filing the plat. See monument definition section XII.A.3.

4. Plat requirements.

- a. The markings on all monument caps are shown.
- b. The diameter of each cap is stated.
- c. State height of the monument cap above or below the surrounding surface within 0.1 feet. This also applies to monuments that are in cases. Monuments shall be set flush or within 0.1 feet of the surface.
- d. Describe all accessories set to perpetuate a position.
- e. This item is covered by showing record information along centerline and boundary lines.
- f. The minimum requirement for a primary monument is a two-inch cap on a two-inch by 30-inch flared end pipe.
- g. In the title block area, list the number of the field book and page numbers used during the field survey for the plat.

5. Reset by ties.

- a. If a position was reestablished by ties, it shall be stated on the plat.
- b. List the source of tie information used to reestablish the position, by citing:
  - (1) The surveyor who established the ties.
  - (2) The specific field book number and page it is recorded in.
  - (3) The plat and district recorder's file number it is shown on.

6. In traveled way. When a boundary corner or position falls in an unimproved right-of-way or traveled way, to meet the minimum monumentation requirements, the following is required:

- a. Two reference monuments shall be set to identify the position.
  - (1) The monuments shall be equidistant to the position.
  - (2) The monuments shall be set 90 degrees or 180 degrees to each other.

- (3) The caps shall be stamped with the corner information and identified as reference monuments with a distance to the true point.
  - (4) The reference monuments shall be set flush with the ground.
  - b. When two monuments are set to reference a position, the referenced position may be monumented by a five-eighths-inch by 30-inch rebar with self-identifying cap.
7. Stamping on set monuments. Stamping on monument caps shall meet the following requirements:
- a. Stamped by steel dies.
  - b. The subdivision name or initials is on the cap.
  - c. The year the monument was set.
  - d. The surveyor's registration number.
  - e. A punch mark representing the exact transit point.

8. Minimum two primary monuments on or within subdivision boundary.

A plat that is a part of a previously recorded plat that has existing monuments on or within its boundary and the monuments meet primary monument specifications will not be required to set additional primary monuments. Field-measured bearings and distances from the existing monuments to the plat's boundary shall be shown on the plat.

The surveyor of a plat that is resubdividing lots zoned and used for single-family dwellings, has the option of setting, delineating and describing alcaps on five-eighths-inch by 30-inch rebars at all exterior points of the current resubdivision. This is in lieu of setting two required primary monuments on or within the resubdivision, however, the original subdivision shall still have existing required primary monuments and they shall be tied to the current subdivision.

A plat of commercial, industrial or multifamily use zoning requires as a minimum setting two primary monuments on the boundary.

**Monumentation requirements:**

- a. Self-explanatory (see above).
  - b. Monuments are on same straight line.
  - c. Unobstructed line of sight while desirable is not an absolute requirement. If both monuments are visible from an offset point, the monumentation is acceptable.
  - d. Monuments shall be tied by bearings and distances to the other boundary points.
  - e. The distance between the required primary monuments on the same line shall not exceed 1,320 feet.
  - f. No lot corner within the subdivision or position on the boundary shall exceed 1,320 feet from a primary monument.
- B. Field check, date, initial and time. A field check is performed to confirm that the monumentation exists in the field and is stamped as delineated on the plat. The person who performed the field check, dates, writes the amount of time needed to perform the field check and initials same. The field book number and pages used during the field check are listed. (AR No. 92-227)

**SECTION XV. M OF A COMPUTATIONS; INITIALS, DATE AND TIME**

The plat computations are checked for accuracy and completeness. The date, time required to perform the computations, file name used for computations and where that file was stored are written on the form.

- A. Allowable error of closure for established boundary corner position is per title 21 and shall not exceed the following:
  - 1. In the urban area, one foot in 10,000 feet.
  - 2. In the suburban area, one foot in 7,500 feet.
  - 3. Remaining area, one foot in 5,000 feet.
- B. Exterior boundary.
  - 1. The exterior boundary's difference in northings, difference in eastings and total difference of closure is listed on the plat checklist.
  - 2. The total acreage of plat is checked against that shown in the plat's title block. Generally, acreage shown in title block does not include area that is in dedicated rights-of-way.
- C. Centerline right-of-way data is checked for errors and omission of data.
- D. Block boundary is checked for closure using data from the individual lots within each block.
- E. Lots are checked for:
  - 1. Closure error meets the requirements in title 21 as cited in part A, above.
  - 2. Area is computed in square feet and compared with value shown on plat.
- F. Curve data is checked for computational accuracy and that there is no conflict among the four required curve data elements.
  - 1. When a side lot property line intersects a curve and it is not readily apparent, a check is made to determine if that line is radial to the curve.
- G. The sum of the individual distances between two points on a line should be within 0.01 feet of the total distance shown between the same two points.
- H. When a position is shown as being determined by proportional methods, that proportion is checked for mathematical accuracy using the record and proportional measurements shown.
- I. Easements that do not parallel a property line are checked mathematical closure. (AR No. 92-227)

**SECTION XVI. REVIEW COMMENTS**

The final page is used to identify discrepancies found on the plat which don't meet plat check requirements. (AR No. 92-227)

Regulation 21.20

**REGULATIONS GOVERNING LAND USE FEES**

21.20.001	Schedule of fees—Land use permits.
21.20.002	Schedule of fees—Zoning.
21.20.003	Schedule of fees—Platting.
21.20.004	Schedule of fees—Board of adjustment.
21.20.005	Schedule of fees—Hillside wastewater plan amendments.
21.20.006	Schedule of fees—Wetlands plan amendments.
21.20.007	Schedule of fees—Miscellaneous fees.
21.20.008	Fine for failure to comply with an enforcement order.

**21.20.001 Schedule of fees—Land use permits.**

A. The determination of value or valuation under any provisions of title 21 of the Anchorage Municipal Code shall be based upon the most current building valuation data chart in the Building Standards Magazine published by the International Conference of Building Officials.

B. A land use permit for a building of group A, B, E, H, I, or R-1 occupancy shall not be issued without prior payment of the applicable fee set out below:

<i>Total Valuation</i>	<i>Fee</i>
\$101.00 to \$500.00	21.50
\$501.00 to \$2,000.00	\$22.00 for the first \$500.00, plus \$2.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
2,001.00 to 25,000.00	52.00 for the first 2,000.00, plus 10.00 for each additional 1,000.00 or fraction thereof, to and including 25,000.00
25,001.00 to 50,000.00	282.00 for the first 25,000.00, plus \$9.06 for each additional \$1,000.00 or fraction thereof, to and including 50,000.00
\$50,001.00 to \$100,000.00	507.00 for the first 50,000.00, plus 7.34 for each additional 1,000.00 or fraction thereof, to and including 100,000.00
100,001.00 to 500,000.00	857.00 for the first 100,000.00, plus 5.18 for each additional 1,000.00 or fraction thereof, to and including 500,000.00
500,001.00 and up	2,657.00 for the first 500,000.00, plus 3.89 for each additional 1,000.00 or fraction thereof
Expedited plan review	30% surcharge added to the land use permit fee The fees assessed in this table include the \$115.00 per hour fee under section 21.20.001G. for an inspection within normal business hours, if a zoning inspection is required. The fees assessed in this table do not include other fees under section 21.20.001G. that apply to re-inspections, inspections conducted outside normal business hours, and inspections conducted on Sundays or holidays.

C. A land use permit fee of \$0.20 per square foot for a building of group R-3 or U occupancy, including mobile homes, shall be paid at the time of application.

D. As used in this section, each basement or cellar shall be considered to be one story and occupancy designations are defined in the building code adopted in title 23 of the Anchorage Municipal Code.

E. A land use permit for grading, excavation or fill may not be issued without prior payment of the applicable fees set out below:

1.	50 cubic yards or less	No Fee
	51 to 100 cubic yards	\$26.00
	101 to 1,000 cubic yards	38.00
	1,001 to 10,000 cubic yards	52.00

	10,001 to 100,000 cubic yards	52.00 for the first 10,000 cubic yards, plus 26.00 for each additional 10,000 cubic yards or fraction thereof
	100,001 to 200,000 cubic yards	285.00 for the first 100,000 cubic yards, plus 16.00 for each additional 10,000 cubic yards or fraction thereof
	200,001 cubic yards or more	440.00 for the first 200,000 cubic yards, plus 7.00 for each additional 10,000 cubic yards or fraction thereof
2.	If additional plan review is required by changes, additions, revisions to an approved excavation plan, the applicant must pay \$115.00 per hour and must pay a minimum charge for one-half hour.	
3.	The fees assessed in this table include the \$115.00 per hour fee under section 21.20.001G. for an inspection within normal business hours, if a zoning inspection is required. The fees assessed in this table do not include other fees under section 21.20.001G. that apply to reinspections, inspections conducted outside normal business hours, and inspections conducted on Sundays or holidays.	

F. *[Repealed.]*

G. Inspection fees shall be paid as described below:

1.	Inspections within normal business hours	\$115.00 per hour, per inspector
2.	Inspections outside of normal business hours	175.00 per hour (minimum charge two hours)
3.	Reinspections which are necessary because at the time of a previous, required inspection:	175.00 per hour (minimum charge one hour)
	a. The work to be inspected was not completed;	
	b. Previously required corrections were not completed;	
	c. The approved work plans were not readily available to the inspector;	
	d. Access to the work site was denied; or	
	e. The work deviated from the approved plans.	
4.	Inspection for which no fee is specifically indicated	\$115.00 per hour (minimum charge one-half hour)
5.	Inspection on Sundays and holidays, per inspector, per hour, two-hour minimum	230.00

H. If partial municipal fee relief has been granted for land use fees by assembly action under AMC chapter 12.35, payment of any amount not waived shall be in accordance with this section. (GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 19, 1-1-04; AO No. 2004-151, § 12, 1-1-05; AO No. 2009-74(S-1), § 5, 2-16-10)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

**21.20.002 Schedule of fees—Zoning.**

The following fees shall be paid for the services described:

1.	a. Rezoning contiguous parcels or any single parcel with a gross site area greater than 1.75 acres	Base fee of \$8,800.00 plus \$1,000.00 per acre for over 5 acres, with total charges not to exceed \$30,000.00
	b. Rezoning any single parcel with a gross site area of 1.75 acres or less.	\$2,500.00
	c. Rezoning of parcels with rural designations per 21.85.020C. and comprised of less than 5 acres	\$2,500.00
2.	Area master plan, development master plan, conditional use or major amendments to conditional use where the gross site area is:	
	a. Less than 1.75 acres	\$4,000.00
	b. 1.76 to 5.00 acres	6,000.00
	c. 5.01 to 40.00 acres	8,800.00
	d. 40.01 acres or more	14,000.00
	e. For a single residentially zoned parcel with a gross site area of less than 1.75 acres, a rezone from one residential classification to another residential classification	1,500.00
	f. Conditional use involving sale of alcoholic beverages, other than restaurant or eating place alcoholic beverage license use: Base fee of \$1,000 for each conditional use application, plus the following amount per square foot (sf) not to exceed \$4,000.00:	
	i. Original beverage dispensary license	\$2.50/sf
	ii. Duplicate beverage dispensary license fee for an existing premise with no additional square footage	Base \$1,000 fee only
	iii. Duplicate beverage dispensary license for an existing premise adding 500 square feet or less or a seasonal outdoor deck or similar out door use	Base \$1,000.00 fee plus \$250.00
	iv. Any other duplicate beverage dispensary license for a new and/or additional premise (i.e. addition to an existing premise) greater than 500 square feet	\$2.50/sf
	v. Club license	\$1.20/sf
	vi. Package store license	\$1.50/sf
	vii. Recreational site or pub license	\$0.80/sf
	viii. Brewpub license	\$0.50/sf
	g. Flat fee of \$3,000.00 for a golf course license, without regard to gross site area or square footage	
3.	Applications for a public hearing before the assembly on a rezoning with an unfavorable recommendation of the planning and zoning commission	960.00
4.	Appeal or change of land use heard by the zoning board of examiners and appeals.	960.00
5.	Application for variances:	
	a. Administrative variance (minor dimensional variance)	600.00
	b. Single family style residential development	600.00
	c. Sign permit variance	1,160.00
	d. Parking space variance	1,160.00
	e. Fence variance	\$1,160.00
	f. All other types of variances	3,360.00



6.	Minor amendments to previously approved conditional uses, area master plans, development master plans, variances, and site plans, including time extensions changes. If the applicable board or commission determines that an issue is a major amendment, this fee shall be applied toward the higher application fee required for a major amendment.	960.00
7.	Any other matter requiring a public hearing before the planning and zoning commission	3,360.00
8.	Site plan review (other than administrative):	
	a. Mailed notice and hearing required	4,800.00
	b. Mailed notice only required	3,840.00
	c. Mailed notice not required	3,360.00
9.	Administrative site plan review	
	a. Notice not required	\$1,680.00
	b. All other administrative site plan reviews	\$3,360.00
10.	Site selection for a public facility, per hour	115.00
11.	Appeal to the planning and zoning commission from a bed and breakfast administrative site plan review, a church administrative site plan review, or an antenna tower site plan review	1,200.00
12.	Appeal to the planning and zoning commission sitting as the board of adjustment	1,200.00
13.	Certificate of nonconforming encroachment	350.00
14.	Registration of nonconforming lots of record	350.00
15.	Restaurant or eating place alcoholic beverage license use—Administrative site plan review	\$1,000.00 plus \$0.60/sf, not to exceed \$4,000.00 total

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 86-99; AR No. 86-263; AR No. 90-151; AO No. 2001-116, § 1, 7-10-01; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 20, 1-1-04; AO No. 2004-23, § 1, 1-1-04; AO No. 2004-151, § 13, 1-1-05; AO No. 2005-18, § 1, 2-15-05; AO No. 2006-35, § 2, 3-14-06; AR No. 2006-112, § 1, 5-16-06; AO No. 2007-119, § 1, 11-13-07; AO No. 2007-121(S-1), § 16, 10-23-07; AR No. 2008-134, § 1, 7-29-08; AO No. 2010-81(S-1), § 40, 12-7-10, eff. 1-1-11)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

**Editor's note**—Section 54 of AO No. 2010-81(S-1), adopted December 7, 2010, states section 21.20.002 shall become effective upon approval without modification by the Planning and Zoning Commission pursuant to AMC section 21.10.015, but in any event shall not become effective earlier than January 1, 2011. Should the Planning and Zoning Commission modify any of the proposed amendments in the aforementioned section, the modifications shall be submitted to the Assembly for approval by separate ordinance.

### 21.20.003 Schedule of fees—Platting.

The following fees shall be paid for the services described:

A.	Preliminary plat:	
	1. Abbreviated plat (short plat)	\$2,400.00
	2. Abbreviated plat that only eliminates an interior lot line	\$1,200.00
	3. All other preliminary plats except those with commercial fragmented lots	\$3,840.00 plus 140.00 per lot or tract

	4. Preliminary plats with commercial fragmented lots	\$3,840.00 plus 800.00 per com- mercial frag- mented lot
B.	Vacation:	
	1. With preliminary plat	800.00
	2. Without preliminary plat	3,520.00
	3. Vacation fees are applicable whether a project requires one or multiple vacations. For example, a preliminary plat with two vacations is charged the same fee as a preliminary plat with one vacation.	
C.	Variance:	
	1. With preliminary plat	800.00
	2. Without preliminary plat	2,400.00
	3. Variance fees are applicable whether a project requires one or multiple variances. For example, a preliminary plat with two variances is charged the same fee as a preliminary plat with one variance.	
D.	Final plat:	
	1. Administrative—All final plats except an abbreviated plat that only eliminates an interior lot line	2,240.00
	2. An abbreviated plat that only eliminates an interior lot line	640.00
	3. Re-filing previously recorded final plan	500.00
	4. Plat checking—No subdivision agreement:	
	a. Abbreviated plat with survey waiver	350.00
	b. Abbreviated plat with survey	600.00
	c. Record of survey	350.00
	d. Commercial tract	600.00
	e. Other plats	600.00
E.	Modification or removal of plat note	1,200.00
F.	Minor amendments to previously approved preliminary plats, including time extensions. If found to be a major amendment by the platting board, the fee will be applied toward the applicable preliminary plat fee as provided in this section.	800.00
G.	Appeal of abbreviated plat to the platting board	1,200.00
H.	Any other matter requiring a public hearing before the Platting Board	3,360.00

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 91-64; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 21, 1-1-04; AO No. 2004-151, § 14, 1-1-05; AO No. 2010-81(S-1), § 41, 12-7-10, eff. 1-1-11)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

**Editor's note**—Section 54 of AO No. 2010-81(S-1), adopted December 7, 2010, states section 21.20.003 shall become effective upon approval without modification by the Planning and Zoning Commission pursuant to AMC section 21.10.015, but in any event shall not become effective earlier than January 1, 2011. Should the Planning and Zoning Commission modify any of the proposed amendments in the aforementioned section, the modifications shall be submitted to the Assembly for approval by separate ordinance.

**21.20.004 Schedule of fees—Board of adjustment.**

An appeal to the board of adjustment shall require payment of the following fees:

A.	Notice of appeal	\$960.00
B.	Record preparation, supporting documents	\$1.50/page

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 91-64; AO No. 2003-152S, § 22, 1-1-04)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

**21.20.005 Schedule of fees—Hillside Wastewater Plan amendments.**

The following fees shall be paid in conjunction with amendments to the Hillside Wastewater Plan:

<i>Gross Site Area</i>	<i>Fee</i>
Less than 1.76 acres	\$4,000.00
1.76 to 5.00 acres	6,000.00
5.01 to 40.00 acres	8,800.00
40.00 acres or more	14,000.00

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 23, 1-1-04; AR No. 2008-134, § 2, 7-29-08)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

**21.20.006 Schedule of fees—Wetlands Plan amendments.**

The following fees shall be paid in conjunction with amendments to the Wetlands Plan:

<i>Gross Site Area</i>	<i>Fee</i>
Less than 1.76 acres	\$4,000.00
1.76 to 5.00 acres	6,000.00
5.01 to 40.00 acres	8,800.00
40.00 acres or more	14,000.00

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 24, 1-1-04; AR No. 2008-134, § 3, 7-29-08)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

**21.20.007 Schedule of fees—Miscellaneous fees.**

The following fees shall be paid for the services described:

A.	Rescheduling of a public hearing at the request of the petitioner	\$750.00
B.	Certified zoning map verifying zoning status of a particular property parcel. See AMCR 3.90.002 for fee schedule for regular, non-certified map copies.	75.00/sheet
C.	Assignment of a street address	75.00/address
D.	Application for a street name change	800.00
E.	Wetlands permit	
	For an area 16,500 square feet or less	150.00
	For an area greater than 16,500 square feet	475.00

F.	Central business district bonus point calculations	350.00
G.	Site landscaping review	115.00/hour
H.	New and revised parking layouts:	
	Site plan review only	350.00
	Complete site plan review:	
	0—10 spaces	350.00 plus 14.00 per space
	11—50 spaces	437.50 plus 10.50 per space
	51—200 spaces	525.00 plus 7.00 per space
	201—1,000 spaces	875.00 plus 1.75 per space
	1,001 + spaces	1,050.00 plus 0.88 per space
	Parking and access agreements	200.00 per agreement
I.	Sign permits:	
	Plan review for signs outside the building safety service area with a maximum sign view area greater than six square feet.	
	a. Nonelectric	75.00
	b. Electric	150.00
	Sign permit inspection	57.50
	Temporary sign removal cash bond (Banners, balloons, pennants, ribbons, and streamers are exempt.)	500.00
J.	Private enforcement fee (reimbursable if complaint is sustained)	125.00
K.	Land use administrative permits	
	Permit for premises where minors are not allowed	1,000.00
	Snow disposal site	1,000.00
	Tower	1,000.00
	Antenna attachment to a tower (per antenna attachment)	250.00
	Unlicensed nightclub	500.00
	Bed and breakfast permit, biennial	250.00
	Rooming house permit, biennial	250.00
L.	Certification of zoning status, including nonconforming rights (grandfather rights), per hour, one-hour minimum	115.00
M.	Underground utility variance application:	
	Temporary	1,680.00
	Permanent	3,360.00
N.	Miscellaneous planning publications	Per copy cost
O.	Accessory dwelling unit processing fee	100.00

(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No. 83-96; AR No. 83-289(S); AR No. 86-63; AR No. 86-263; AR No. 87-315; AO No. 87-154(S); AR No. 90-151; AR No. 93-327(S), § 1, 2-22-94; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-97, § 3, 9-30-03; AO No. 2003-152S, § 25, 1-1-04; AO No. 2004-1, § 4, 1-1-03; AR No. 2006-137, § 1, 6-6-06; AR No. 2008-134, § 4, 7-29-08)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050; AO No. 77-407.

**21.20.008 Fine for failure to comply with an enforcement order.**

A. When a written enforcement order has become final, as specified in subsection 21.25.030.B of the Anchorage Municipal Code, the administrative official may assess a fine of not more than \$300.00.

B. If the violation continues an additional fine of not more than \$250.00 per day may be assessed.

C. The administrative official shall forward a bill for collection of this fine to the violator named in the enforcement order along with a copy of that order.

D. The municipality shall have the right to bring suit for the collection of this fine plus costs and attorney's fees against any or all the parties responsible for payment.

(AR No. 90-266; AO No. 2001-145(S-1), § 23, 12-11-01)

**Regulation 21.40**

**LAND USES PERMITTED BY REGULATION**

**21.40.001** Land uses permitted by regulation.

**21.40.001 Land uses permitted by regulation.**

In accordance with Anchorage Municipal Code section 21.40.015, the land uses listed below have been determined by the zoning board of examiners and appeals to be uses which are similar in character to permitted uses in the stated districts, and by this regulation are made permitted or conditional uses in the stated districts:

- A. In the I-1 light industrial district the following is a permitted principal use and structure:
    - 1. Indoor shooting ranges.
  - B. In the B-2B central business district—intermediate the following is a conditional use:
    - 1. New tire sales and associated minor automotive repairs.
- (AR No. 87-82; AR No. 92-243)

Regulation 21.60

**REGULATIONS GOVERNING FLOOD HAZARD PERMIT FEES**

21.60.001 Fee schedule.



**21.60.001 Fee schedule.**

A fee schedule, as follows, is hereby established for flood hazard permits issued under the authority of Anchorage Municipal Code Title 21. The fees shall be paid upon application for issuance of flood hazard reviews, permits, and inspections.

**FEES FOR FLOOD HAZARD REVIEWS,  
PERMITS, AND INSPECTIONS**

<i>Type of Development or Administrative Action Requested</i>	<i>Permit or Administra- tive Fee</i>	<i>Type of Development or Administrative Action Requested</i>	<i>Permit or Administra- tive Fee</i>
Structure (including all re- quired utility service connects):		Mobile home park (Plus \$50.00 per mobile home space within the floodplain, each phase being a separate submittal if the entire mo- bile home park is not filed simultaneously. The fee cov- ers all construction within the park except watercourse alteration.)	200.00
Addition	\$200.00	Street/road construction (Except when constructed un- der subdivision agreement. The fee covers all construc- tion of streets/roads except watercourse alteration.)	400.00*
Alteration	200.00	Bridges	100.00 per hour
New residential	200.00	Storage of material and equip- ment	90.00
New commercial	200.00	Bank/slope restoration	200.00
Watercourse alteration or ob- struction	600.00*	Other (Any work for which a permit is issued, but which is not addressed elsewhere in this section.)	50.00
Utility mainline (Each occurrence except when constructed under subdivision agreement. Fee includes ser- vice connections installed at the time of mainline construc- tion.)	200.00*	Flood plain plan review	\$45.00
Utility service connect (Applicable where a mainline extension is not involved)	60.00	Letter of map amendment ad- ministrative fee/single lot/sin- gle structure	100.00
Grading/excavation and fill	200.00	Letter of map administrative fee/single lot/multi-structure	0.00
New subdivision (Plus \$200.00 per lot within the floodplain, each phase being a separate submittal if the entire plat is not filed si- multaneously. The fee covers all construction within the subdivision except water- course alterations.)	600.00	Letter of map revision	100.00 per hour
Mobile home:		Inspections (Per hour; includes any inspection resulting from a complaint associated with a permitted development project located in a flood zone.)	\$100.00
Private lot	100.00		

<i>Type of Development or Administrative Action Requested</i>	<i>Permit or Administra- tive Fee</i>
Variances and Appeals (Per hour; includes any work result- ing from a flood hazard vari- ance request or approval.)	\$100.00

\*If issuance of a permit for one of these types of development is, after review, refused by the municipality, one-half of the permit fee deposited will be returned to the applicant.

(AR No. 84-316; AO No. 90-142; AO No. 91-77; AO No. 2001-145(S-1), § 24, 12-11-01; AO No. 2003-152S, § 26, 1-1-04; AO No. 2010-81(S-1), § 42, 12-7-10, eff. 1-1-11)

**Authority**—Anchorage Municipal Code 3.40, 21.20.050.

**Editor's note**—Section 54 of AO No. 2010-81(S-1), adopted December 7, 2010, states section 21.60.001 shall become effective upon approval without modification by the Planning and Zoning Commission pursuant to AMC section 21.10.015, but in any event shall not become effective earlier than January 1, 2011. Should the Planning and Zoning Commission modify any of the proposed amendments in the aforementioned section, the modifications shall be submitted to the Assembly for approval by separate ordinance.

Regulation 21.67

**REGULATIONS GOVERNING STORMWATER PLAN REVIEW FEES\***

21.67.001	Fee schedule. (Repealed)
21.67.002	Fees for stormwater plan review.
21.67.003	Exceptions. (Repealed)

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**\*Editor's note**—AR No. 99-344, § 1, adopted Jan. 11, 2000, amended the Code by adding provisions designated as a new Ch. 21.67, §§ 21.67.001—21.67.003, to read as herein set out. Prior to inclusion of said ordinance, Ch. 21.67, § 21.67.010, pertained to stormwater discharge. AR No. 99-344 has been included herein as superseding former Ch. 21.67 at the discretion of the editor.

**21.67.001 Fee schedule. (Repealed)**  
 (AR No. 99-344, § 1, 1-11-00; AO No. 2002-117, § 10, 1-28-03)

*Editor's note*—AO. No. 2002-117, § 10, effective Jan. 28, 2002, repealed § 21.67.001. See also the Code Comparative Table.

**21.67.002 Fees for stormwater plan review.**

A. *Inside the service area as defined by Anchorage Municipal Code 23.05.030, Applicability to service areas.* The stormwater plan review fee for buildings, structures, fill, excavation, or grading shall be:

**For buildings and structures:**

<i>Area of Land Disturbance</i>	<i>Plan Review Fee</i>
Less than 500 square feet	No fee
Greater than or equal to 500 square feet but less than 10,000 square feet	\$150.00
Greater than or equal to 10,000 square feet but less than 1 acre (43,560 square feet)	300.00
Greater than or equal to 1 acre but less than 5 acres (217,800) square feet	450.00
Greater than 5 acres	600.00

**For fill, excavation, or grading:**

<i>Amount of Material</i>	<i>Plan Review Fee</i>
50 cubic yards or less	No fee
51 to 100 cubic feet	\$15.00
101 to 1,000 cubic yards	22.00
1,001 to 10,000 cubic yards	30.00

<i>Amount of Material</i>	<i>Plan Review Fee</i>
10,001 to 100,000 cubic yards	\$30.00 for the first 10,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards or fraction thereof
1000,001 cubic yards or more	\$165.00 for the first 100,000 cubic yards, plus \$9.00 for each additional 10,000 cubic yards or fraction thereof

B. *Outside the service area as defined by Anchorage Municipal 23.05.030, Applicability to service areas.* The stormwater plan review fees shall be:

**For buildings and structures:**

<i>Area of Land Disturbance</i>	<i>Plan Review Fee</i>
Less than 500 square feet	No fee
Greater than or equal to 500 square feet but less than 10,000 square feet	\$150.00
Greater than or equal to 10,000 square feet but less than 1 acre (43,560 square feet)	300.00
Greater than or equal to 1 acre but less than 5 acres (217,800) square feet	450.00
Greater than 5 acres	600.00

**For fill, excavation, or grading:**

<i>Amount of Material</i>	<i>Plan Review Fee</i>
50 cubic yards or less	No fee
51 to 100 cubic feet	\$15.00
101 to 1,000 cubic yards	22.00
1,001 to 10,000 cubic yards	30.00
10,001 to 100,000 cubic yards	\$30.00 for the first 10,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards or fraction thereof
100,001 cubic yards or more	\$165.00 for the first 100,000 cubic yards, plus \$9.00 for each additional 10,000 cubic yards or fraction thereof

6. *Researching files:* \$30.00 per hour.  
(AR No. 99-344, § 1, 1-11-00)

**21.67.003 Exceptions. (Repealed)**

(AR No. 99-344, § 1, 1-11-00; AO No. 2002-117, § 10, 1-28-03)

**Editor's note**—AO. No. 2002-117, § 10, effective Jan. 28, 2002, repealed § 21.67.003 See also the Code Comparative Table.

C. *For street, right-of-way, and public improvement projects.* The stormwater plan review fee will be as stated in Anchorage Municipal Code Section 24.20.040.

D. *Other fees.*

1. *Additional stormwater treatment plan review required for changes, additions or revisions to approved plans:* \$95.00 per hour with one-half hour minimum charge.
2. *Stormwater treatment plan site investigations or inspections:* \$95.00 per hour with one-hour minimum charge.
3. *Code compliance inspections:* \$65.00 per hour per inspector with one-hour minimum charge.
4. *Requested code compliance inspections outside normal business hours:* \$95.00 per hour with two-hour minimum charge.
5. *Requested code compliance inspections on Sundays and holidays:* \$130.00 per hour with two-hour minimum charge.

Regulation 21.70

**REGULATIONS GOVERNING MOBILE HOME PARK ANNUAL PERMITS (REPEALED)**

21.70.001 Mobile home park annual permit (Repealed).

21.70.001

ANCHORAGE MUNICIPAL CODE OF REGULATIONS

**21.70.001 Mobile home park annual permit  
(Repealed).**

(AR No. 93-327(S), § 2, 2-22-94; AO No. 2004-1,  
§ 3, 1-1-03)

Regulation 21.80

**REGULATIONS GOVERNING UNIFORM STREET DESIGNATIONS**

21.80.001 Uniform street designations.



**21.80.001 Uniform street designations.**

Roadways within Anchorage shall be officially named in accordance with the following definitions:

- A. *Avenue* means any roadway running in an east-west direction for a distance of 1,000 feet or more.
- B. *Circle* means any roadway which includes a cul-de-sac.
- C. *Court* means any roadway running in an east-west direction for a distance less than 1,000 feet.
- D. *Drive* means any curvilinear roadway.
- E. *E* or *east* shall be included as the first word in the name of every roadway located east of A Street.
- F. *Lane* means any roadway running in a northeast-southwest direction for a distance of less than 1,000 feet.
- G. *Loop* means a curvilinear roadway to which access is limited to a single roadway.
- H. *Parkway* means a major north-south arterial roadway.
- I. *Place* means any roadway running in a north-south direction for a distance of less than 1,000 feet.
- J. *Road* shall be used in a name of a roadway only when another designation is inappropriate or the roadway has been traditionally so designated.
- K. *Street* means any roadway running in a north-south direction for a distance of 1,000 feet or more.
- L. *W* or *west* shall be included as the first word in the name of every roadway located west of A Street.
- M. *Way* means any roadway running in a northwest-southeast direction for a distance less than 1,000 feet.

(AO No. 80-79)

Authority—Anchorage Municipal Code 3.40, 21.80.260.

Regulation 21.81

**REGULATIONS COVERING UNIFORM STREET NUMBERING**

- 21.81.001 Definitions.
- 21.81.002 Uniform grid system.
- 21.81.003 Standard street numbering.
- 21.81.004 Numbering of nonstandard streets.
- 21.81.005 Numbering by building types.
- 21.81.006 Posting of assigned street addresses.
- 21.81.007 Address changes.
- 21.81.008 Methods of assigning new street addresses.
- 21.81.009 Enforcement.

**21.81.001 Definitions.**

In this regulation, definitions stated in Anchorage Municipal Code title 21 and regulation 21.80 of this Code of Regulations shall apply. The following definitions shall also apply to this regulation:

- A. *As-built survey* means an official surveyed plan that delineates the exact location of a building or buildings on the property.
- B. *Base maps* means the standard Anchorage one inch equals 100 feet (quarter section) scale right-of-way maps.
- C. *Street* means any dedicated right-of-way.  
(AR No. 81-284)  
Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.002 Uniform grid system.**

Street addresses within Anchorage shall be assigned in accordance with a standard grid system, whereby the following rules apply:

- A. The grid system shall be based upon equidistant perpendicular and parallel lines, with A Street designated as the east-west axis and First Avenue designated as the north-south axis (see figure 1).
- B. No more than 100 addresses shall be assigned per each standard 350-foot "block interval" of street frontage.
- C. All official addresses shall be indicated in ink on the addressing base maps located in the planning department.  
(AR No. 81-284)  
Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.003 Standard street numbering.**

A. All numbers will increase heading outwards from the intersection of A Street and First Avenue (see figure 2).

B. The north and east sides of perpendicular and parallel streets shall be assigned odd numbers, and the south and west sides shall be assigned even numbers (see figure 3).  
(AR No. 81-284)  
Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.004 Numbering of nonstandard streets.**

A. *Diagonal streets.* Addresses on a diagonal street shall be assigned on the north-south or east-west axis according to the predominant direction of the street from the grid baseline. A perfect diagonal street shall be arbitrarily assigned on either axis (see figure 4).

B. *Curvilinear streets.* Numbers on a curvilinear street shall be assigned from the axis that is most nearly at a right angle to the predominant direction of the thoroughfare (see figure 5).

C. *Culs-de-sac/circles.* Numbers shall be assigned odd or even on either side of an imaginary line bisecting the cul-de-sac/circle (see figure 6).

D. *Loops.* Addresses shall be assigned on the north-south side or east-west axis, according to the predominant direction from the grid baseline (see figure 7).  
(AR No. 81-284)  
Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.005 Numbering by building types.**

A. Buildings shall be addressed off the street the main front entrance faces, with the following exceptions:

1. A building shall be assigned an address off the street it accesses from if the building front does not face, or is not in close proximity to, a dedicated right-of-way.
2. Corner lot buildings. Corner lots having dual entrances shall be assigned an address based upon the general site layout.

B. Unless otherwise stated in these regulations, all buildings or groups of buildings or dwelling units containing more than one business or dwelling unit shall be assigned a single address per building. Each property owner shall be responsible for assigning individual address suffixes (alphabetical or alphanumeric unit numbers) to the business establishments or dwelling units within the building.

C. Residential buildings.

1. Single-family dwellings shall be assigned one address number.

2. Duplexes, condominiums, townhouses and multifamily dwellings shall be assigned one number per building unless each dwelling unit in the building has a separate outside, street-level entrance fronting on the street, in which case the dwelling units may be assigned individual addresses.
3. Mobile home parks. Each space within a mobile home park shall be assigned a single address.
- D. Business/industrial buildings.
  1. Buildings adjoining each other and having separate entrances facing the street shall be assigned an individual address per building.
  2. Individual buildings containing more than one outside entrance facing the street may be assigned one address per entrance at the discretion of the planning department, in the following situations:
    - a. The entrance serves a single business which cannot be accessed from the other businesses or other street fronting entrances in the building.
    - b. The entrance serves several suites of businesses which cannot be accessed from other street-fronting entrances in the building.
  3. Auxiliary buildings or commercial and industrial facilities shall not be assigned a separate address, but the main building (where mail is received and business is transacted) would receive a building number.
  4. Business parks. Individual buildings in a business park shall be assigned separate addresses for each business located within that building provided that each business has a separate, unique outside entrance.
  5. Shopping centers/malls. Detached shopping centers/malls situated on the same property and having internal access to all businesses shall be assigned a single address.
  6. Business condominiums shall be assigned a single address per building.

(AR No. 81-284)

Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.006 Posting of assigned street addresses.**

## Premises identification.

- A. It is the responsibility of property owners to affix approved numbers on all their buildings in such a position as to be plainly visible and legible from the street fronting or orienting the property. Said numbers shall contrast with their background.
- B. On a corner lot, the business or dwelling number shall face the street named in the address.
- C. Businesses or dwellings situated a considerable distance from their street frontage or obscured by trees, shrubs, etc., shall have the structure number posted on a plainly visible manmade or natural feature within at least 50 feet of the street named in the address.

(AR No. 81-284)

Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.007 Address changes.**

A. An assigned address may be changed by the department of public works if unusual circumstances warrant such a change. Situations which may contribute toward the determination that a change is needed include:

1. Assigned number is in conflict with standard grid system (i.e., number(s) out of sequence, odd or even numbers on wrong side of street, etc.).
2. Street designation has been changed.
3. Duplicate street names exist.
4. Street alignment has been changed.
5. Principal entrance does not face the street named in the address.

B. Notification of any address change shall be made, by letter, to the property owner, with copies to the post office, utilities and public safety agencies servicing that property.

(AR No. 81-284; AR No. 84-280)

Authority—Anchorage Municipal Code 3.40, 21.80.270.

**21.81.008 Methods of assigning new street addresses.**

A. Preliminary addresses shall be assigned by the department of public works to all parcels

within the municipality not later than December 31, 1983. These addresses will be systematically assigned in accordance with these regulations in the following phased sequence: (1) Anchorage Bowl area; (2) Eagle River-Chugiak-Eklutna; (3) Turnagain Arm. Preliminary addresses are primarily for internal municipal use, may be changed when permanent addresses are assigned, and should not be used on official documents. Preliminary addresses will not be assigned upon request and will not be made public until each geographical phase is totally completed.

B. Permanent street addresses shall be assigned in writing by the department of public works only to officially subdivided parcels, which access dedicated rights-of-way. Assignment of addresses shall be made in the following situations and timeframes:

1. At the department of public works' discretion, after the recording of a final plat, with written notification of assigned addresses to be sent to the property owner as soon as possible.
2. Residential street addresses shall normally be assigned, and written notification postmarked, within two working days of a request by the property owner.
3. Addresses for a subdivision containing ten or more lots, and addresses for condominiums, townhouses, apartment buildings, and planned unit developments shall be assigned and written notification postmarked within five working days of the owner's request and receipt of an as-built survey of the property.
4. All business addresses shall be assigned, and written notification postmarked within five working days of receipt by the department of public works of the as-built survey of the property.

(AR No. 81-284; AR No. 84-280)

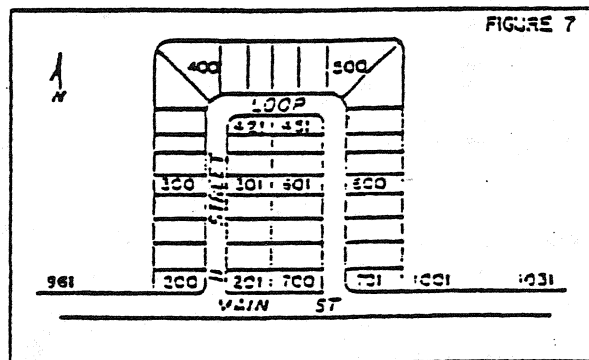
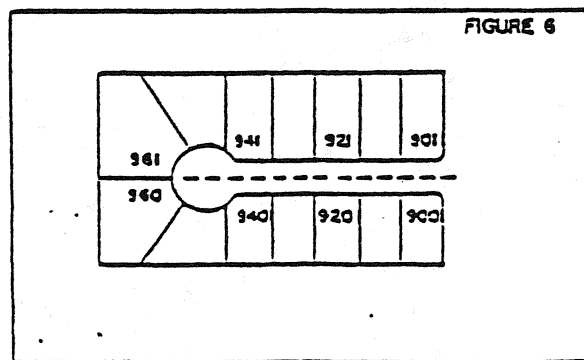
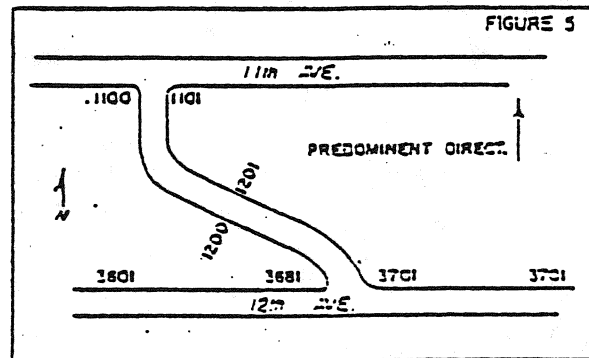
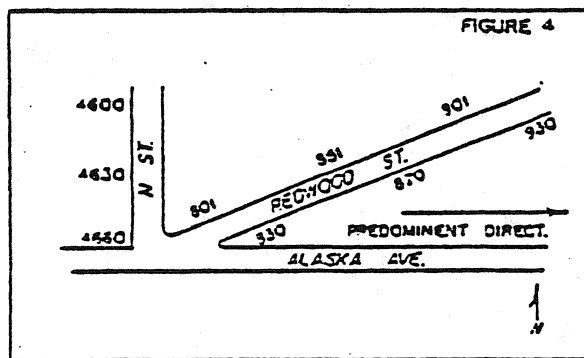
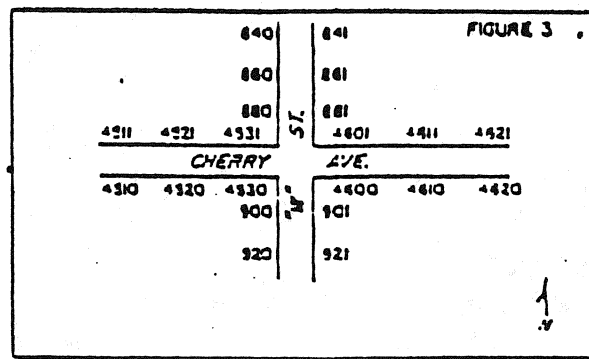
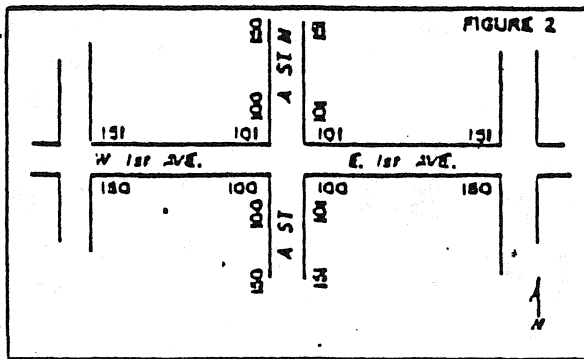
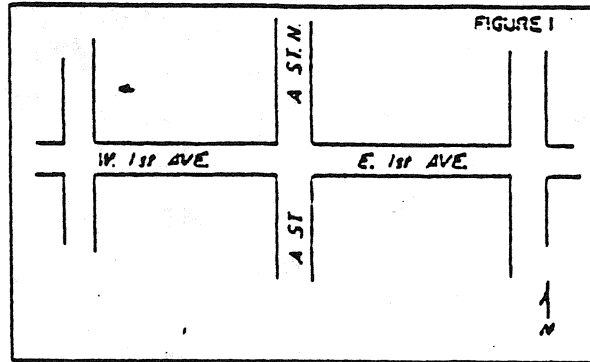
Authority—Anchorage Municipal Code 3.40, 21.80.270.

#### **21.81.009 Enforcement.**

Any violation of this regulation may be remedied in the manner provided by Anchorage Municipal Code 21.25.030 and other provisions of law.

(AR No. 81-284)

Authority—Anchorage Municipal Code 3.40, 21.80.270.



Regulation 21.90

**MULTIPLE DWELLING UNIT RESIDENTIAL DEVELOPMENT ON A SINGLE LOT OR TRACT**

- 21.90.001 Definitions.
- 21.90.002 General duties of developer.
- 21.90.003 Responsibilities of developer, contractor, and municipality.

**21.90.001 Definitions**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*AASHTO* shall mean American Association of State Highway and Transportation Officials.

*AMC* shall mean Anchorage Municipal Code.

*BMP* shall mean Best Management Procedures.

*Contractor* shall mean the party to whom a municipal building permit, land use permit, or right-of-way permit is issued, and who is responsible for the installation of all public and/or private roads, parking areas, pedestrian amenities, drainage features and utilities, and other associated site improvements required by the permit.

*DCM* shall mean the Municipal Design Criteria Manual.

*Developer* shall mean the party obligated under a subdivision agreement, development agreement, right-of-way permit, building permit, or land use permit, for all required road improvements, parking areas, pedestrian amenities, drainage features, utilities and other improvements required by the agreements or permits.

*Development* shall mean a residential development ultimately consisting of more than two dwelling units per lot or tract.

*Driveway* shall mean the paved connection meeting municipal driveways standards located between the garage of a dwelling unit and the adjacent roadway (public or private) or between the travel aisle of a parking lot/area and the adjacent roadway (public or private).

*FTD* shall mean field density test(s).

*IFC* shall mean International Fire Code, as adopted in AMC Chapters 23.45 and 23.55.

*MASS* shall mean Municipality of Anchorage Standard Specifications.

*MUTCD* shall mean Manual on Uniform Traffic Control Devices.

*Parking lot/area* shall mean more than two parking spaces, not located in a roadway, designed to provide parking for a development. Maneuvering for the parking spaces may occur either in the roadway or a travel aisle where parking is back-to-back, depending on the parking space configuration.

*Parking space* shall mean one space where a vehicle is intended to be parked.

*Plan* shall mean a document, prepared by a professional engineer licensed in the State of Alaska, showing all applicable items as listed below in subsection 21.90.003E.1.

*Private roadway* shall mean a roadway located on private property that provides access from driveways to public roadways. Maintenance for private roadways shall be the responsibility of the private owners.

*Public roadway* shall mean a roadway constructed in public right-of-way or in a public use easement to municipal standards. The Municipality of Anchorage shall be responsible for maintenance of public roadways.

*PUE* shall mean public use easement(s).  
(AR No. 2004-108(S-2), § 1, 6-8-04)

**21.90.002 General duties of developer.**

A. The developer shall be responsible for planning, designing, and constructing all elements of private roads within a development to meet or exceed municipal private road standards. Approval of an engineered road construction plan, quality control plan, and verification the developer has retained the services of a professional engineer, licensed in the State of Alaska, for inspection of the private road construction shall be required prior to obtaining building or land use permits from building safety. Certified as-built/record drawings and a compilation of weekly inspection and test reports for all private road construction shall be submitted to building safety prior to issuance of any certificates of occupancy for the development.

(AR No. 2004-108(S-2), § 1, 6-8-04)



**21.90.003 Responsibilities of developer, contractor, and municipality.**

*A. Developer responsibilities.*

1. The developer shall submit engineered plans for the construction of all private roadways and other facilities required to serve a development as part of the submittal package for a building or land use permit.
2. The developer shall provide adequate public use easement dedication when required by the municipal traffic engineer for improved connectivity, circulation and/or public safety as set out in AMC Section 21.15.150.
3. The developer shall enter into a subdivision agreement, development agreement, or right-of-way permit for construction of all roads and other facilities within dedicated public use easements or right-of-way.
4. The developer shall ensure that subsequent builders or owners performing work on-site or in the adjacent right(s)-of-way are supplied with a copy of the approved site plans.
5. The developer shall be responsible for all work on-site or in adjacent right(s)-of-way until the development is issued final certificates of occupancy. The developer shall not be responsible for the actions of a third party performing work outside of the developer's subdivision agreement, right-of-way permit, building permit, or land use permit.
6. The developer shall retain the services of a professional engineer, registered in the State of Alaska, for inspection of all private road, drainage and utility construction to ensure all improvements are in compliance with applicable municipal standards.
7. The developer shall work with the contractor to ensure daily and weekly inspection and test reports are prepared and submitted in accordance with the requirements set out in subsection E.2. below; and that

certified as-built drawings are prepared for all private road and drainage construction and submitted to the municipal building safety department.

8. The developer shall be responsible for identifying all permits required for a development (including, but not limited to, right-of-way permit, flood hazard permit, wetlands fill permit, Corps of Engineers 404 Permit, Title 16 Fish Habitat Permit) and for working with all concerned regulatory agencies to obtain required permits prior to the commencement of work.
9. Prior to issuance of individual building permits, the developer shall be responsible for the preparation of a hydrogeologic report to provide accurate assessments of seasonal high groundwater table elevations for the purpose of maximum foundation depth determination, and to resolve the need for footing and foundation drains. The report shall be based on analysis of groundwater table tests conducted in accordance with the procedures specified in subsection E.6. below, and shall bear the signature and stamp of the responsible engineer or hydrogeologist. The report shall contain recommendations for the mitigation of groundwater penetration into crawlspaces and/or basements.

*B. Contractor responsibilities.*

1. The contractor shall construct all improvements associated with a development in accordance with the approved plans, issued permits and in compliance with all applicable municipal standards.
2. The contractor and all subcontractors shall perform all site work such that it will not cause adverse pedestrian and vehicle safety impacts to the development, adjoining developments, or adjoining right-of-way.
3. Prior to obtaining a building or land use permit, the contractor shall submit verification that the services of a licensed professional engineer have been retained for construction inspection of all private road improvements as well as an ap-

proved quality control plan and construction schedule for those improvements to be approved by the municipal engineer.

4. The contractor shall be responsible for compiling daily and weekly inspection reports for submittal as set out in subsection E.2. below.
5. The contractor shall be responsible for repairing or replacing any improvements found to be insufficient or damaged due to materials, workmanship or the actions of the contractor or subcontractors.

C. *Municipal engineer responsibilities.*

1. The municipal engineer shall review and approve or disapprove all plans for all developments.
2. The municipal engineer shall determine to what standards any required improvements are to be constructed. The construction standards may not exceed the applicable standards of AMC Title 21.
3. The municipal engineer shall include the approved plan within the applicable agreement.
4. The municipal engineer and/or building official or their designee may periodically inspect construction of the required development improvements for conformance with the approved plan.
5. The municipal engineer shall review and approve or disapprove all design or construction waivers from the standards in this regulation.
6. The municipal engineer shall review the as-builts and inspection reports for consistency with these regulations and the approved plans.

D. *Municipal traffic engineer responsibilities.*

1. The municipal traffic engineer shall review and approve or disapprove proposed plans to ensure all vehicle and pedestrian safety standards as well as parking and maneuverability standards have been met.

2. The municipal traffic engineer shall review proposed plans to determine if plans comply with the municipal driveway standards.
3. The municipal traffic engineer shall review and approve or disapprove all waivers from the applicable standards in this regulation.

E. *Procedures.* The developer shall adhere to the procedural matters as outlined in this section to provide consistent plan submittals and standardized field inspection and testing. All procedures detailed shall not exceed those required under a subdivision agreement.

1. *Plan preparation:* Construction plans shall include the following information:
  - a. Scaled drawing; minimum scale one inch equals 50 feet zero inches;
  - b. Dimensions of all proposed roads, driveways, parking and adjacent right-of-way;
  - c. Existing and proposed property lines;
  - d. Adjoining right-of-way;
  - e. Existing and proposed drainage facilities on property and in the right-of-way;
  - f. Existing and proposed topography extending a minimum 25 feet beyond all property boundaries;
  - g. Proposed post-development drainage patterns including grade breaks, grade break elevations and drainage arrows;
  - h. Easements dedicated by plat or recorded by book and page;
  - i. Development setbacks;
  - j. Wetland boundaries;
  - k. Stream protection setbacks;
  - l. Relevant cross sections of parking areas, sidewalks, curbs, loading bays, ramps, and all other features of the parking area where cross sections will clarify grade breaks and elevations;

- m. Construction details and standard cross sections of all proposed roads, public and private, showing street width, limits of excavation, frost classification of subgrade material, depth of classified fill, pavement thickness, curbs, gutters, shoulders, deep utilities, storm drain;
  - n. Elevation profiles of all proposed roads, public and private;
  - o. All street geometrics including curb return radii;
  - p. Water plans and elevation profiles;
  - q. Sewer plans and elevation profiles;
  - r. Building footprint(s) and driveway location(s);
  - s. Finished floor elevations and/or finished garage floor elevations;
  - t. All proposed landscaping;
  - u. Locations of all proposed erosion and sediment control BMPs;
  - v. All proposed points of ingress/egress and AASHTO sight distance triangles at those proposed points shall be identified;
  - w. Parking calculations;
  - x. Illumination plans with certified lighting and glare statement;
  - y. Certified site lighting analysis and glare statement for parking lot lighting where an independent lighting system is provided for parking lots exceeding 20 parking spaces;
  - z. Clearing limits;
  - aa. Storm drain plans and elevation profiles; and
  - bb. Applicable manhole details, pavement cut, and replacement details in conformance with MASS.
2. Daily and weekly inspection reports shall be compiled by the engineer of record and submitted to building safety by close of business, Monday following the reporting period. Failure to comply with this requirement may subject the contractor to issuance of a stop work order until compliance and/or additional fees. The certificates of occupancy shall not be issued until all inspection reports have been received and approved by the municipal engineer. At a minimum, the inspection reports shall contain the following information:
- a. Date the work was observed;
  - b. Project name;
  - c. Scope of work;
  - d. Weather conditions and temperature while work was observed;
  - e. Depth of excavation;
  - f. Sieve analysis and classification of structural fill material placed within the roadway prism or utility trenches;
  - g. Verification that all organics have been properly removed from the subgrade;
  - h. Sieve analysis and classification of structural fill material placed in the private roadway, storm drain trench and/or utility trench;
  - i. Source and method of backfill;
  - j. Results of field density testing as set out in subsection E.3. (below), for all road and trench backfill;
  - k. Compaction methods;
  - l. Any ground water encountered or dewatering performed;
  - m. Asphalt pavement thicknesses observed from core samples;
  - n. Status and effectiveness of erosion and sediment control BMPs; and
  - o. Engineer's or representative's signature.
3. *Guidelines for quality control plan submittal:*
- a. Identify all haul routes, material sources, and disposal sites, including frequency and types of proposed maintenance of haul routes, and emergency telephone number and

- contact person. List the days and hours of haul route use, and submit a traffic control plan, if required;
- b. List the source and types of soils to be used, including provisions to ensure quality control of all native soils anticipated for use in construction of the development;
  - c. Identify the types and frequency of all testing in accordance with subsection E.4. below; and
  - d. Provide procedures for reporting quality control activities, including discoveries of deficiencies in the work, and methods to correct, repair, and retest deficiencies.
4. *Quality control testing standards:*
- a. All FDTs shall include the following information:
    - i. Project name;
    - ii. Test number;
    - iii. Date;
    - iv. Field technician's name;
    - v. Location by station (from approved plans) and offset distance;
    - vi. Elevation (from approved plans);
    - vii. Description (sidewalk subgrade, street fill by type, water, trench backfill, pavement, etc.);
    - viii. Nuclear gauge make, model, and number;
    - ix. Calibration date;
    - x. Probe depth;
    - xi. Soil type and procter curve number;
    - xii. Wet density (pcf);
    - xiii. Moisture content (percentage);
    - xiv. Dry density (pcf);
    - xv. Maximum dry density (pcf — from proctor);
    - xvi. Marshall density (pcf);
    - xvii. Percent compaction;
    - xviii. Remarks; and
  - b. List the source and types of soils to be used, including provisions to ensure quality control of all native soils anticipated for use in construction of the development;
  - c. Identify the types and frequency of all testing in accordance with subsection E.4. below; and
  - d. Provide procedures for reporting quality control activities, including discoveries of deficiencies in the work, and methods to correct, repair, and retest deficiencies.
- xix. All failing FDT's shall be retested until they pass, and the contractor's method of improving the compaction shall be noted on the test form.
- b. *Minimum frequency of quality control testing.* These are minimum frequencies; additional testing may be necessary, depending on circumstances and failure rate:
    - i. Mechanical analysis on imported material:
      - (A) Classified backfill, all types — one per 2,000 tons;
      - (B) Bedding, all types — one per 500 L.F.;
      - (C) Leveling course — one per 1,000 tons;
      - (D) Seal coat aggregate — one per 1,000 tons.
    - ii. Density testing for road construction: One test per 400 L.F. on each lift of classified fill and backfill, and one test per 400 L.F. on completed subgrade prior to placement of leveling course.
    - iii. Density testing for trench backfill: One test per 300 L.F. of trench at spring line, mid-trench and surface.
    - iv. A.C. pavement: One truck sample of each day's run for marshal series, and one core sample correlated to truck sample for density and thickness.
5. *Inspection and as-built standards:*
- a. Provide a qualified representative at the site to inspect the work on a daily basis. The engineer shall provide written daily reports in conformance with subsection E.2. above.
  - b. The engineer's representative shall be responsible for compilation of as-built information, and preparation of as-built drawings and utility service connection records. The mini-

mum requirements and standards for as-builts is set out in MASS 1994, Section 65.00.

- c. The engineer shall notify the building safety department if employment is terminated or is reduced to the point that the engineer can no longer perform the services described.
6. *Groundwater table elevation testing.*
- a. The bottom of the test hole shall be at least six feet below the bottom of the anticipated foundation depth, or a minimum of ten feet deep.
  - b. A perforated plastic pipe, or similar device, shall be installed to the bottom of the test hole, and the test hole shall be backfilled and mounded to slope away from the pipe.
  - c. The water level in the pipe shall be measured a minimum of seven days after installation to determine water table depth below the surface.
  - d. Test hole density:
    - i. Developments one acre or less in size shall install a minimum of three monitoring wells, evenly distributed throughout the property with respect to horizontal and vertical topography;
    - ii. Developments between one and five acres in size shall install a minimum of two monitoring wells per acre, evenly distributed throughout the property with respect to horizontal and vertical topography; or
    - iii. Developments greater than five acres in size shall install a minimum of one and one-half test wells per acre, evenly distributed throughout the property with respect to horizontal and vertical topography.
- F. *Design.*
- 1. *Private road design criteria:*
    - a. All private roads shall be constructed with 26 feet of pavement, curb and gutter on both sides, for a total 30-foot section from the back of curb to back of curb.
    - b. All private roads shall be crowned with minimum two percent cross slopes; inverted sections may be approved by the municipal engineer for roadway lengths less than 300 feet.
    - c. All private roads shall have a minimum longitudinal grade of one percent and a maximum grade of ten percent.
    - d. At intersections with peripheral right-of-way, private street grades shall not exceed four percent within a minimum distance of 30 feet from back of curb or edge of shoulder of the peripheral road.
    - e. The minimum grade of an asphalt swale or "valley gutter" at private street intersections without catchment facilities immediately upgrade shall be one percent.
    - f. Vertical curves shall be used for transition between intersecting grades of road when the change exceeds one percent.
    - g. At intersections with arterial or collector streets, private streets shall have a minimum curb return radius of 30 feet. At intersections with all other streets, private streets shall have a minimum curb return radius of 20 feet.
    - h. All interior radii shall conform to IFC D103.3, minimum turning radius for emergency vehicles, as adopted under AMC Title 23.
    - i. All private roads within developments shall be designed for a preferred design speed of 25 miles per hour or a design speed of 20 miles per hour upon approval of the municipal traffic engineer.
    - j. Clear vision areas and clear vision triangles for private streets shall be in compliance with AMC Section

- 21.45.020, AMC Chapter 24.70, and AASHTO Sight Distance Triangle (see Municipal Driveway Standards).
- k. All pre-design subsurface investigations shall be in accordance with the soil investigation standards given in DCM section 1.040.
  - l. All organics shall be removed from the road subgrade unless otherwise approved by the municipal engineer.
  - m. The thickness of structural fill for private roads shall be designed using the limited subgrade frost penetration method as described in DCM section 1.070F. All substitute design methods shall have prior approval by the municipal engineer.
  - n. Geotextile fabric shall be installed at the bottom of excavations for all private roads to prevent contamination of structural fill with frost susceptible soils, unless otherwise approved by the municipal engineer.
  - o. All structural fill for private roads shall be Type II classified fill material, as defined in the MASS Section 20.05. Type III classified fill material, as defined in MASS, may be used for backfill of storm drain and utility trenches below the road base.
  - p. All structural fill material for private roads shall be placed in lifts no greater than 12 inches thick and compacted to 95 percent maximum density at optimum moisture content.
  - q. The top six inches of the structural fill for private roads shall be Type II-A classified fill material only, as set out in MASS Section 20.05.
  - r. Leveling course and pavement thickness shall be in accordance with MASS.
  - s. All private roads shall be designed with adequate catchment of surface water runoff to prevent adverse drainage impacts to adjacent properties and/or right-of-way.
  - t. All manholes, inlets and storm drain lines shall be designed and constructed to municipal standards as defined in MASS Division 55.
  - u. Names for private streets will be submitted to the municipal addressing department for review and approval prior to having the site plan approved.
  - v. All private roads will be signed according to MUTCD Standards with a "private" designation on the street sign. A certificate of occupancy will not be issued until the street signs are installed and inspected. See traffic department for design of sign specified as a P3-1P.
  - w. Private streets shall have "No Parking, Fire Lane" signage on the side of the street where parking is prohibited.
  - x. Covenants, where applicable, shall provide for the association and/or management company to be able to tow vehicles parked illegally and covenants shall state parking is prohibited on one side of the street.
  - y. Covenants, where applicable, shall require the association to maintain signage and enforce no-parking areas.
  - z. Each street shall be named, and each building address shall be based on the access street. (For example, no C Street address if the building does not access off of C Street.)
2. *Public roads constructed in public use easements (PUE).*
- a. Roads determined by the traffic engineer to require a PUE dedication for purposes of access and/or connectivity shall be constructed to the standards identified in AMC Title 21 for public roads; and

- b. PUEs shall be 44 feet wide to accommodate the roadway section and the snow storage area. Additional dedication shall be required in the event that pedestrian facilities are needed, as determined by the area wide trails plan, determined by a traffic impact analysis, or the roadway volumes are expected to exceed the requirements in AMC Title 21 for pedestrian facilities.

3. *Emergency response.*

- a. Streets with hydrants on them shall have continuity and not be dead ends, unless located on cul-de-sacs approved by the traffic engineer and the fire department. Hydrants shall be accessible from two directions.
- b. Residential developments with 30 or more dwelling units shall be provided with separate and approved access roads, meeting the remote requirements of IFC D104.3., as adopted under AMC Title 23.
- c. The number of dwelling units on a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future developments as determined by the fire code official. No new structures shall be constructed on a fire apparatus access road unless approved by fire code official.
- d. To prevent conflagration, one or two family residential developments shall have a clear space of at least ten feet between exterior walls (not including area under the eaves), unless each structure has an approved automatic sprinkler system.
- e. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall meet requirements of IFC D105, as adopted under AMC Title 23.

4. *Parking.*

- a. All over-flow parking areas and parking aisles shall be designed to minimize maneuvering in the main private roadway.
- b. Overflow parking shall be provided, in addition to required parking. Overflow parking shall be calculated per the table below:

<i>Type of Development</i>	<i>% of Required Parking Necessary for Overflow</i>
Two (2) and Three (3) Dwelling Units	25%
Four (4) to Six (6) Dwelling Units	20%
Greater than Six (6) Dwelling Units	15%
Apartment Complex	12%
Other uses	Per parking study, if required

- c. Overflow parking may be provided on-street, if the following requirements are met: The parking space shall be a minimum of 20 feet long unless bounded on both ends by parking spaces, in which case, the bounded parking space shall be a minimum of 24 feet long. For example, if there are three parking spaces between two driveways, those parking spaces would be 20 feet, 24 feet and 20 feet long respectively. If the on-street parking is not sufficient to meet the overflow parking requirement, off-street parking shall be provided.
- d. All parking spaces inside garages and carports shall meet design requirements found in AMC Section 21.45.080, if the driveway is being used to meet required or overflow parking requirements;
- e. Individual dwelling unit garage driveways shall have a minimum of 22 feet between the garage door and the back of curb or edge of pavement for all roadways.

- f. All over-flow parking located at 90 degrees to the interior roadways of the development shall be at least 24 feet deep, including any overhang.
  - g. Private parking garages shall provide a minimum 30 feet of on-site vehicle queuing/stacking that does not interfere with any parking stalls or roadways.
  - h. All private multi-plex parking garages shall have an entrance/exit that is a minimum of 18 feet wide.
  - i. All private multi-plex parking garages shall have two entrance/exit points, if designed to provide over 20 parking spaces, unless otherwise approved by the traffic engineer.
5. *Plan review and approval.* Plans providing all of the required components shall be submitted with the "master" building permit application. The appropriate review agencies shall provide comment to the building official. The building permit shall not be issued until all appropriate departments have provided approval.
6. *Noncompliance.*
- a. Failure of the developer or builder to obtain appropriate permits shall result in investigation fees as set out in AMC Chapter 23.10.
  - b. Failure to provide all inspection reports and as-built drawings of all private road construction, certified by a professional engineer registered in the State of Alaska shall result in non-issuance of all certificates of occupancy for the development.
  - c. Failure to comply with the approved plans, permits, and construction inspection requirements herein may result in issuance of a stop work order until such compliance.

(AR No. 2004-108(S-2), § 1, 6-8-04)











































