



MASTER PLAN

EKLUTNA-CHUGIAK SITE

PARCEL 051-182-01-000-06



EKLUTNA-CHUGIAK SITE
MASTER PLAN

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LIST OF ACRONYMS

AAP.....Alaska Aggregate Products
 ABC 2020 Plan.....Anchorage Bowl Comprehensive 2020 Plan
 AIC.....Alaska Interstate Construction
 AMC.....Anchorage Municipal Code
 ANCSA.....Alaska Native Claims Settlement Act
 AWMP.....Anchorage Wetlands Management Plan
 CERC Plan.....Chugiak-Eagle River Comprehensive Plan
 DOWL.....DOWL Engineers
 EPC.....Eklutna Planned Community
 MOA.....Municipality of Anchorage
 PC.....Planned Community
 PLI.....Public Land and Institutions
 PLI-p.....Public Land and Institutions-Parks

1.0 INTRODUCTION

1.1 Overview

Eklutna Inc. is proposing to create a master plan for Parcel 051-182-01-000-06 under Anchorage Municipal Code (AMC) 21.40.250. The site contains approximately 68 acres of undeveloped lands and is legally described as the portions of the northeast quarter of Section 17, T15N R1W, Seward Meridian, lying southeast of the Glenn Highway. The property sits on the northeast side of Eagle River and is south of the New Glenn Highway (Figure1).

Eagle River is continuing to develop and mature as a community. The Anchorage Bowl has limited undeveloped lands remaining to meet needs for future residential and commercial development. Lands in Eagle River are expected to play a significant role in meeting future development needs for the Greater Anchorage Area. Although the Eagle River area currently has a rural character with most residents employed in Anchorage, future residential development is expected to increase in density in the central portion of the Eagle River area. Commercial development is expected to continue to focus on businesses that meet local retail and commercial needs. With this continued growth it is becoming increasingly important to maintain recreational lands. This master plan is designed to establish zoning districts, development standards, and other land use controls, as needed to guide development in the Eklutna - Chugiak district in a manner that addresses the site specific needs of the area.

1.2 Property Description

The property proposed for inclusion in the Eklutna-Chugiak Master Plan under this master plan is Parcel 051-182-01-000-06 and contains approximately 68 acres. This parcel is located south of the New Glenn Highway (Figure 1).

1.3 Land Ownership and Use

The site is owned by Eklutna Inc., a local Native corporation established under the Alaska Native Claims Settlement Act. The Eklutna-Chugiak Site is located within the Municipality of Anchorage (MOA) and is subject to Title 21 Land Use Planning of the AMC. The Eklutna-Chugiak Site is zoned Planned Community (PC). The areas surrounding the site are zoned a mixture of Public Land and Institutions (PLI), Public Land and Institutions-Parks

(PLI-p), and PC (Figure 2). The area across the Glenn Highway from the site is zoned R-6. The PLI district adjacent to the east is an MOA natural resource extraction site and the other adjacent PLI area to the south is owned by the Chugiak Benefit Association. The 2.8-acre site has a school located on the southeastern edge of the property, along the Old Glenn Highway. The PLI-p area to the east is the Loretta French Park. The PC district to the south of the site is also owned by Eklutna Inc.

2.0 EXISTING CONDITIONS

This section describes the existing conditions on the site.

2.1 Surficial Geology

Surficial geology refers to unconsolidated materials that have collected on the surface of the land. These materials or deposits are classified according to their grain size and sorting, or the range of grain sizes within a particular sample. The unconsolidated materials in this region of the Anchorage Bowl were deposited within the last one-million years, with the majority coming to rest here as a result of the last glaciations that occurred between 10,000 and 25,000 years ago.

Surficial deposits are grossly organized into three main categories: coarse grain deposits, fine grain deposits, and mixed coarse-grained and fine grained deposits. The surficial geology of the site contains deposits that fit into two of these categories, coarse grained and fine grained deposits.

Coarse-Grained Deposits

A - Alluviam. These deposits generally contain large amounts of well-drained aggregates that create favorable foundation conditions. These deposits typically have moderate water quantities for well extraction.

G - Glacial Alluviam. These deposits are generally composed of gravel and sand and are more poorly-sorted than other types of alluviam. Usually well-draining, these deposits are suitable for foundations. Smaller quantities of well water are available from these areas.

Fine-Grained Deposits

P - Pond and Bog Deposits. A mix of peat, clay, silt, and other organics, these deposits are common to depressions caused by glacial activity. These deposit areas are poorly drained and do not provide a well water source. These geologic units are not well suited for construction and development without remedial actions to introduce more structurally sound material.

2.2 Soils

Soils are an important element of any site development process. Because soils have both structural and hydrological characteristics, understanding soil types helps determine the appropriate land uses for a given area. The structural characteristics of soils determine what types of structures can be safely constructed on a site, while hydrological characteristics can be used to plan for storm water management.

The soils map (Figure 3) illustrates the location of the soil types as mapped by the United States Department of Agriculture, Natural Resources Conservation Service in 2001. Table 1 below indicates the limitations that these soil types pose for the various types of development described. With regard to the information appearing in the table, shallow excavations refer to those occurring during the installation of utilities, basements, and cemeteries. Dwellings are single-family houses of three stories or less. Small commercial buildings are those not exceeding three stories in height and do not have basements. Local roads and streets are constructed of all-weather material and carry automobile and light truck traffic all year. Soil limitations are described as not limited, somewhat limited, and very limited, with the reason for these limitations following the colon.

As shown on Figure 3, the soils on the site are a mixture of soils that have a range of limitations, the most significant of which are steep slopes and a high water table. The soils with the fewest development limitations are the Deception Estelle Kichatna, 0-7 percent Slope; Deception Estelle Kichatna, Complex, Undulating and Hilly; and the Kashwitna-Estelle Kichatna, Undulating. However, the Kashwitna-Estelle Kichatna, Undulating soil is located in a wetlands, therefore this soil is undevelopable.

Half of the soils on the site are considered difficult to develop. Soils that are good for development cover the other half of the site.

Table 1: Soil Types on Eklutna-Chugiak Site

Soil Name and Map Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Shallow Excavations	Local Roads and Streets	Camp and Picnic Areas	Playgrounds	Foot and ATV Trails
Doroshin Peat, 0-7% Slope	Very limited: high water table, subsidence	Very limited: high water table, organic material subsidence	Very limited: high water table, organic material subsidence	Very limited: depth to saturated zone, cutbanks cave, content of organic matter	Very limited: depth to saturated zone, frost action, subsidence	Very limited: high water table, subsidence	Very limited: high water table, subsidence	Very limited: high water table, subsidence
Gravel Pits:	Not rated	Not rated	Not rated	Not rated	Not Rated	Not Rated	Not Rated	Not Rated
Deception Estelle Kichatna, 0-7% Slope	Not Limited	Not Limited	Somewhat Limited: slope	Somewhat Limited: cutbanks cave	Somewhat Limited: frost action	Somewhat Limited: silty surface - dusty when dry/slippery when wet	Somewhat Limited: slope, silty surface - dusty when dry/slippery when wet	Somewhat Limited: silty surface - dusty when dry/slippery when wet
Deception Estelle Kichatna, Complex, Undulating and Hilly	Somewhat Limited: slope	Somewhat Limited: slope	Somewhat Limited: slope	Somewhat Limited: cutbanks cave	Very Limited: frost action, slope	Somewhat Limited: silty surface - dusty when dry/slippery when wet	Very Limited: slope, silty surface - dusty when dry/slippery when wet	Somewhat Limited: silty surface - dusty when dry/slippery when wet
Kashwitna-Estelle Kichatna, Undulating	Not Limited	Not Limited	Somewhat Limited: slope	Very Limited: cutbanks cave	Very Limited: frost action	Somewhat Limited: silty surface - dusty when dry/slippery when wet	Somewhat Limited: slope, silty surface - dusty when dry/slippery when wet	Somewhat Limited: silty surface - dusty when dry/slippery when wet
Deception Estelle Kichatna, Complex, 45-85% Slope	Somewhat Limited: slope	Somewhat Limited: slope	Somewhat Limited: slope	Very Limited: slope, cutbanks cave	Very Limited: frost action, slope	Very Limited: slope, silty surface - dusty when dry/slippery when wet	Very Limited: slope, silty surface - dusty when dry/slippery when wet	Somewhat Limited: silty surface - dusty when dry/slippery when wet

2.3 Topography

The site is steepest in the southeast corner and is flatter from the northwest through the southwest portions (Figure 4). There are several steep drops in topography in the southeast corner, which is the highest point sitting at 380 feet. This corner falls 90 feet to the northwest then rises 50 feet and then falls again to 60 feet in a span of approximately 865 feet. Along the northeast property line to the southwest, following Glenn Highway, the elevation only fluctuates 10 feet, from 230 feet to 240 feet elevation.

2.4 Seismic/Mass Wasting Considerations

A fault zone runs through the southwest corner of the site. With regard to land development decisions, extra precautions may be appropriate for those areas identified as moderately susceptible to ground failure. Mass wasting refers to the movement of large quantities of earth under gravitational force. Examples of mass wasting include landslides, avalanches, coastal flooding and erosion, and tsunami hazards. The entire site has been identified as having a low to moderate ground failure susceptibility.

2.5 Vegetation

Vegetation offers many advantages to a property including windbreaks, shade, air pollution reduction, noise mitigation, water conservation, and screening. The majority of forest types present on the site can be classified as follows: closed forest, closed black spruce and mountain hemlock forest, and fresh water wetlands. The closed forest consists of coniferous white spruce, black spruce, alder, and deciduous mixed. The closed black spruce and mountain hemlock forest consist of black spruce, and coniferous white spruce. The fresh water wetlands consist of sphagnum-shrub bog and black spruce.

2.6 Wetlands

The *Anchorage Wetlands Management Plan* (AWMP) contains an inventory of wetlands that occur within the boundaries of the MOA. Using a classification system, this plan categorizes each of the inventoried wetlands with regard to their habitat value and development potential. The plan is intended to serve as a guide for development decisions.

Wetlands are designated as “A,” “B,” and “C” in the AWMP, with “A” wetlands being highly valued natural system resources best left in an undeveloped, undisturbed state.

The wetlands found on this site is designated as Class A wetlands in the AWMP (Figure 5). These areas have high values for hydrology and wildlife habitat functions and are considered most valuable in an undisturbed state.

The AWMP identifies this wetlands as Unit 120. The “Management Guidelines” section of the AWMP discusses policies on developing this type of wetlands and states that these wetlands should generally not be developed, cleared, or otherwise altered. Minor encroachments into “A” sites may be allowed if the site is the only practicable alternative location for such use and may include such projects as utility, road or trail crossings, or minor amenities.

2.7 Wildlife

The Eagle River Valley provides important wildlife habitat as a largely untouched corridor from the alpine meadows within Chugach State Park to the tidal flats of Knik Arm. This valley has a significant diversity of wildlife from the larger mammals to populations of smaller mammals. Additionally, a variety of raptors and other birds are commonly observed.

While moose roam the entire valley throughout the year, their presence is most common during the winter when an abundant food, such as willow, is found. Other mammals, such as wolves, and brown and black bears, may also be found in the area.

The site has not been identified as having any unique habitat values.

2.8 Drainage

The topography of the site shows that the site drains from east to west. In approximately the middle of the site, the flow concentrates as the headwaters of Mink Creek, which then runs west and northwest under the Glenn Highway. There is another waterway south of Mink Creek which flows west then south off of the site.

2.9 Existing Infrastructure

Since the site is currently undeveloped, there are no existing roads or utilities within the project area. The site is currently accessed by an unclassified access road off the Old Glenn Highway. An existing power line runs along edge of site following Glenn Highway. Fiber-optic cable runs along west side of Kerbow Lane.

3.0 PROPOSED LAND USES

3.1 Zoning Districts

This master plan proposes three Eklutna-Chugiak Site zoning districts (Figure 6). The districts are designed to emulate existing districts within AMC Title 21. The use of zoning districts that are similar to other existing districts in the MOA and are recognized by most people should reduce the confusion that has taken place with other PC districts. The MOA current supplemental district regulations (AMC 21.45) are included in Appendix C for reference. The districts are summarized below:

Eklutna-Chugiak PC1 (EPC)-PC1 - Open Space/Recreation: Eklutna-Chugiak Open Space/Recreation is intended to designate open spaces and wetlands that accommodate greenbelt or buffer purposes, as well as recreation and commercial recreation uses. Permitted uses will preserve and protect these open spaces, while allowing for compatible recreational uses.

The wetland areas may be retained by Eklutna Inc. for possible use as wetlands mitigation for the overall site development plan, and any permanent conservation of or dedication of these lands would only occur under terms mutually acceptable to the MOA, the United States Army Corp of Engineers, and Eklutna Inc.

EPC-PC2 - Natural Resource Extraction/Fill: Eklutna-Chugiak Natural Resource Extraction/Fill is intended to designate fill areas to maximize the development of the site.

EPC-PC3 - Industrial/Commercial: Eklutna-Chugiak Industrial/Commercial is intended primarily for urban and suburban light manufacturing, storage, wholesale and distributions operations, and limited commercial uses.

The master plan allocates the 68 acres within the Eklutna-Chugiak Site to the zoning districts as shown in Table 2. Approximately 40 percent of the area is identified for Open Space/Recreation development. Another 45 percent is allocated to Natural Resource Extraction/Fill. Finally, 15 percent is dedicated for industrial/commercial use.

Table 2: Proposed Zoning Districts

Zoning District	Acres
EPC-PC1	27
EPC-PC2	31
EPC-PC3	10
Total Area	68

In the short term, the site will be used as a fill location to bring deep ravines up to a level surface. This use is expected to last approximately five to ten years. A review of the site will occur every five years. The fill site will be well maintained with regular stabilization and re-vegetation of completed areas of the fill site, as they occur.

The long-term use of this site is expected to consist of open space and commercial recreation. Proposed long-term development will occur from 2020 to 2030.

3.2 Proposed Infrastructure

Currently, there is no direct road access or infrastructure on the site. After fill of the site is complete, the site will be revisited to determine permanent placement of roads, based upon final use of the site. For the short term, the proposed Eklutna-Chugiak Site will share road access via an existing drive aisle that currently serves as access to Loretta French Park and a MOA natural resource extraction site, also used as an industrial storage yard. Eklutna Inc. will pave a portion of this road to mitigate dust production.

Based on the low intensity and recreational or institutional nature of permitted development, it is assumed that on-site water and waste water systems will be developed to serve the site. Site development will maintain hydrologic flows toward Mink Creek and maintain the existing drainage divide.

4.0 DEVELOPMENT PHASING

Initial development is anticipated to begin this fall and would focus on natural resource extraction as a fill operation. Alaska Aggregate Products (AAP) will be the fill operators on the site. The fill operation is expected to last for three to five years and to accommodate 1.5 to 2 million yards of fill to result in a more level area along the east side of the property. This will provide a legal, well-controlled site for the disposal of peat, clay, silty soils, hydro-axed materials, tree fragments, stumps, turf, and other organics associated with permitted clearing and grubbing operations. This could include wood chips from grinding operations and concrete remnants related to demolition, concrete testing, or construction site cleanup. Such a site will reduce disposal of these materials at the MOA Landfill, enhancing its long-term capacity for the community.

The site will be developed with downstream wetlands in mind. An earthen berm will be placed on the southern end of the site to mitigate any possibility of unwanted materials entering the wetlands. The earthen berm will act as a kind of filtration system that will allow site rain water to pass through. Strict compliance with MOA and Environmental Protection Agency water quality standards will be followed.

This site will be developed from the northeast corner of the lot in a southerly direction for approximately 100 feet and then fill will move to the west until filled in to the western slope that designated the fill area. Upon completion of the westward fill, the operation will continue south until the permitted fill area is reached. Equipment and manpower used in this operation will be an equipment operator on a bull dozer and an individual in the scale house/office. The office will be a portable, 8-foot by 10-foot structure to minimize on-site semi-permanent structures.

Site fueling and lubing operations will take place on Kerbow Lane to eliminate any possibility of petroleum distillates entering the fill area. Spill clean-up kits will be located on the equipment and in the office. Alaska Interstate Construction (AIC), AAP's parent company, is ISO 9001 compliant, which is a worldwide standard of environmental management. AAP a subsidiary of AIC will comply with ISO 9001 regulations as well as local, state, and federal government environmental management requirements.

Long-term development includes open space and recreation uses, commercial recreation facilities, and industrial and commercial facilities. Areas not developed will retain natural vegetation, or if disturbed will be re-vegetated with mature, non-invasive species.

5.0 EFFECTS OF THIS DEVELOPMENT

The proposed development under this master plan is consistent with the Anchorage Bowl Comprehensive 2020 Plan (ABC 2020 Plan), the Chugiak-Eagle River Comprehensive Plan (CERC Plan), and with other MOA planning standards. Development of the master plan area, in accordance with the proposed zoning districts and development standards outlined previously, is intended to provide wetlands mitigation, open space and recreational opportunities, and industrial and commercial opportunities for the Chugiak-Eagle River District.

The ABC 2020 Plan identifies the Chugiak-Eagle River as becoming a more self-contained community with local-serving retail and support services. The proposed development is in line with this goal as it would provide the opportunity for commercial and industrial services, as well as providing local recreational opportunities.

The CERC Plan addresses the retention of open space, recreational opportunities, and wetlands preservation by setting forth a goal to establish an integrated open space and greenways network that effectively links parks, recreational facilities, schools, residential and commercial areas, which includes ecologically valuable open space lands and scenic vistas. The proposed development would be consistent with this by preserving valuable wetlands and open space, and links the MOA owned Loretta French Park to additional recreational opportunities and open space.

The development is also consistent with the CERC Plan goal of providing a wide range of recreational opportunities to all segments of the community by providing the opportunity for various commercial recreational activities.

Based on the low intensity and recreational or institutional nature of permitted development, it is assumed that on-site water and waste water systems will be developed to serve the site. Due to the low density of the development plan it is not expected that this development will substantially increase demand upon public services such as the fire department, the police department, or schools. It is also not expected that major traffic impacts will occur as a result of this project.

The development is consistent with MOA planning policies and the CERC Plan, and is believed to promote Chugiak's and Eagle River's preservation of valuable resources and open space needs, therefore enhancing the quality of life for the area's residents.

APPENDIX A
FIGURES

Figure 1

Vicinity Map

LEGEND



EKLUTNA-CHUGIAK
MASTER PLAN

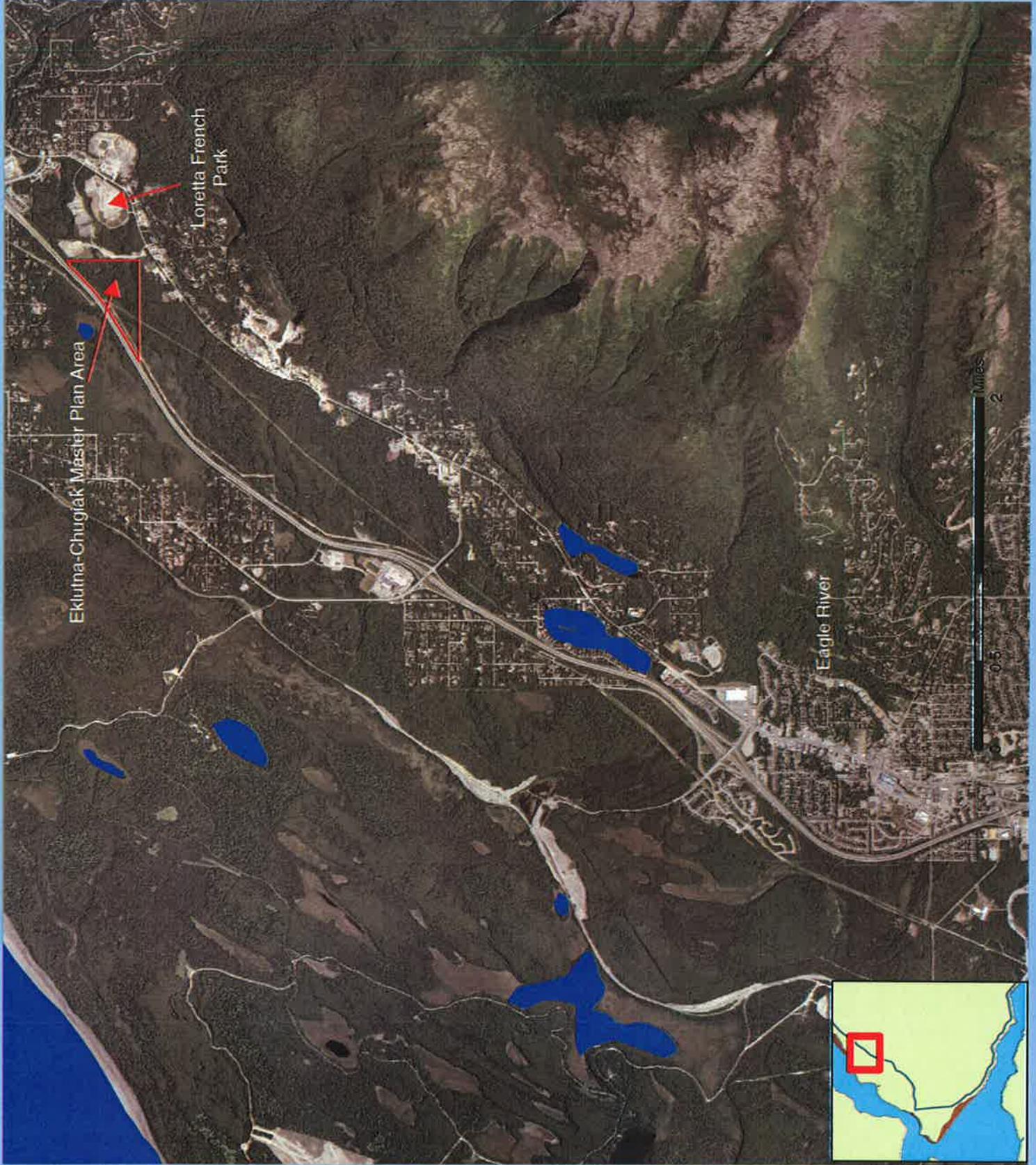


FIGURE 2

Current Zone Map

LEGEND

- Parcel
- Public Land Institution-PLI
- Park-PLI-p
- Planned Community-PC
- Residential-R6



EKLUTNA-CHUGIAK MASTER PLAN

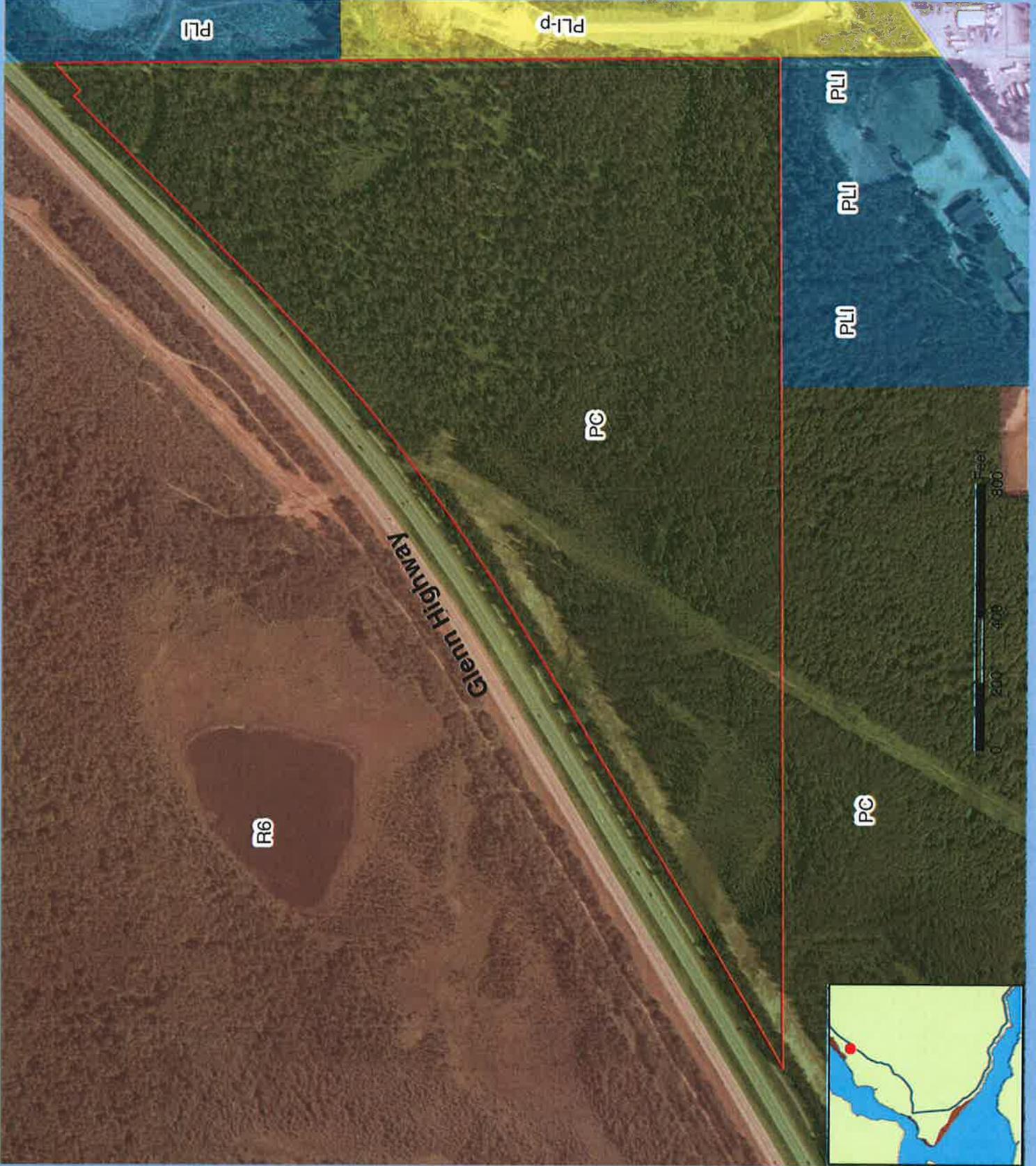


Figure 3

Soils Map

LEGEND

- 410-Deception-
Estelle-
Kichatna
complex,
0 to 7% slopes
- 443-Pits, gravel
- 414-Deception-
Estelle-
Kichatna
complex,
undulating and
hilly
- 417-Doroshin
peat, 0 to 7%
slopes
- 431-Kashwitna-
Kichatna
complex,
undulating
- 413-Deception-
Estelle-
Kichatna
complex, 45
to 85% slopes
- 463-Water,
fresh
- Parcel



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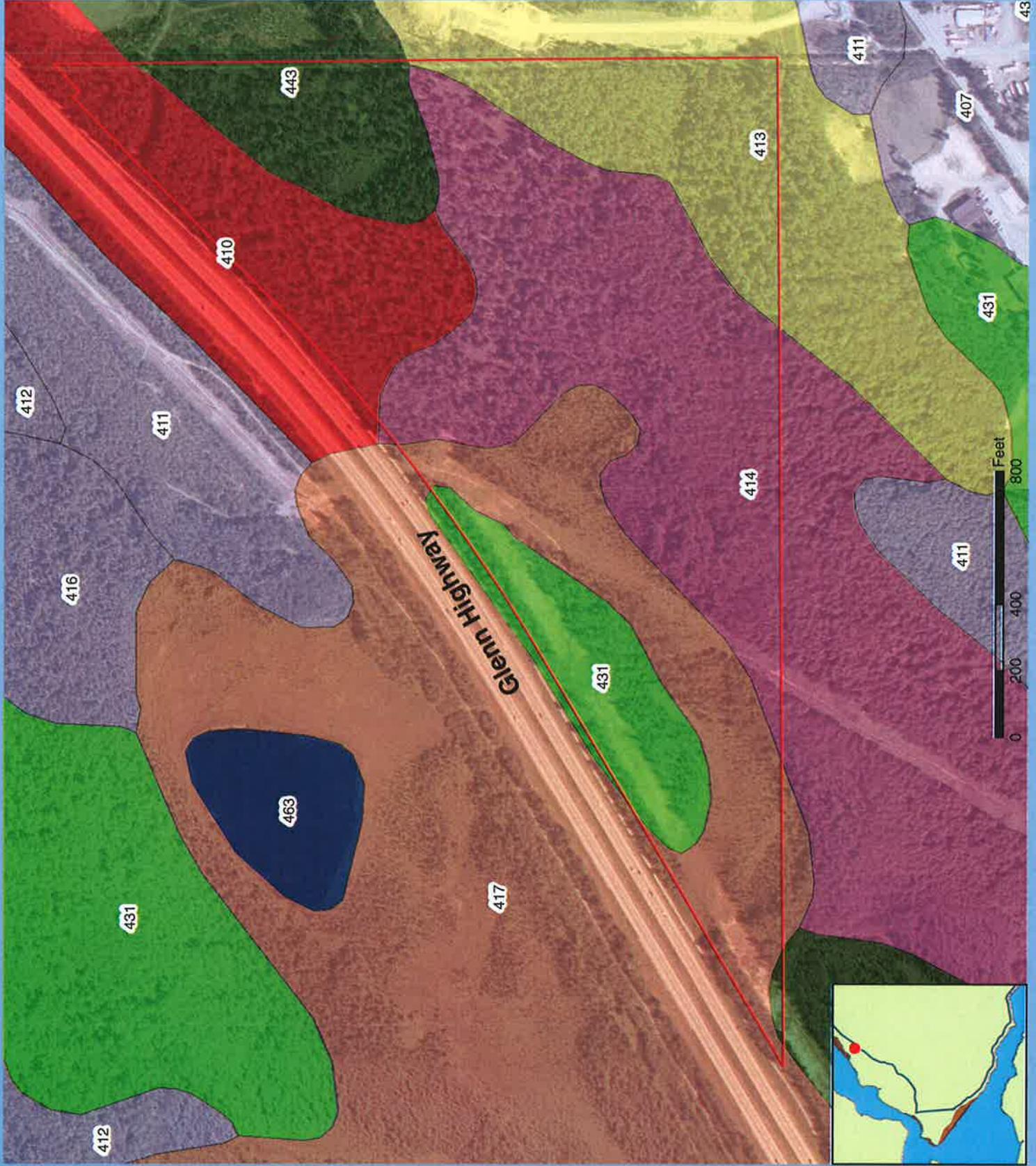


FIGURE 4

Contour Map

LEGEND

- Parcel
- 380ft Contour Lines
- 10ft Contour Lines



EKLUTNA-CHUGIAK
MASTER PLAN

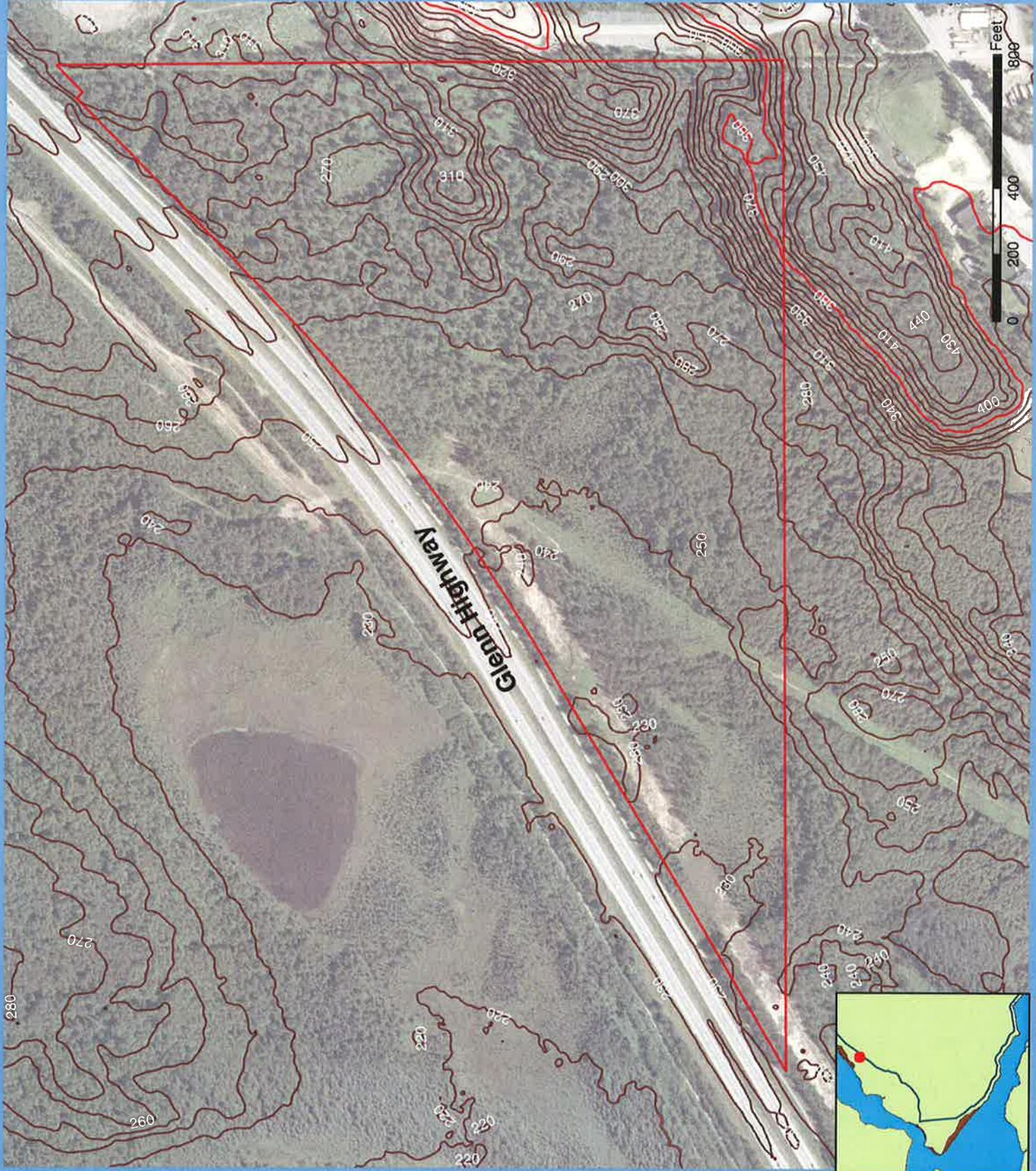


FIGURE 5

Wetlands Map

LEGEND

-  Parcel
-  380ft Contour Lines
-  10ft Contour Lines
-  Wetland A
-  Wetland B
-  Wetland C
-  Lake



**EKLUTNA-CHUGIAK
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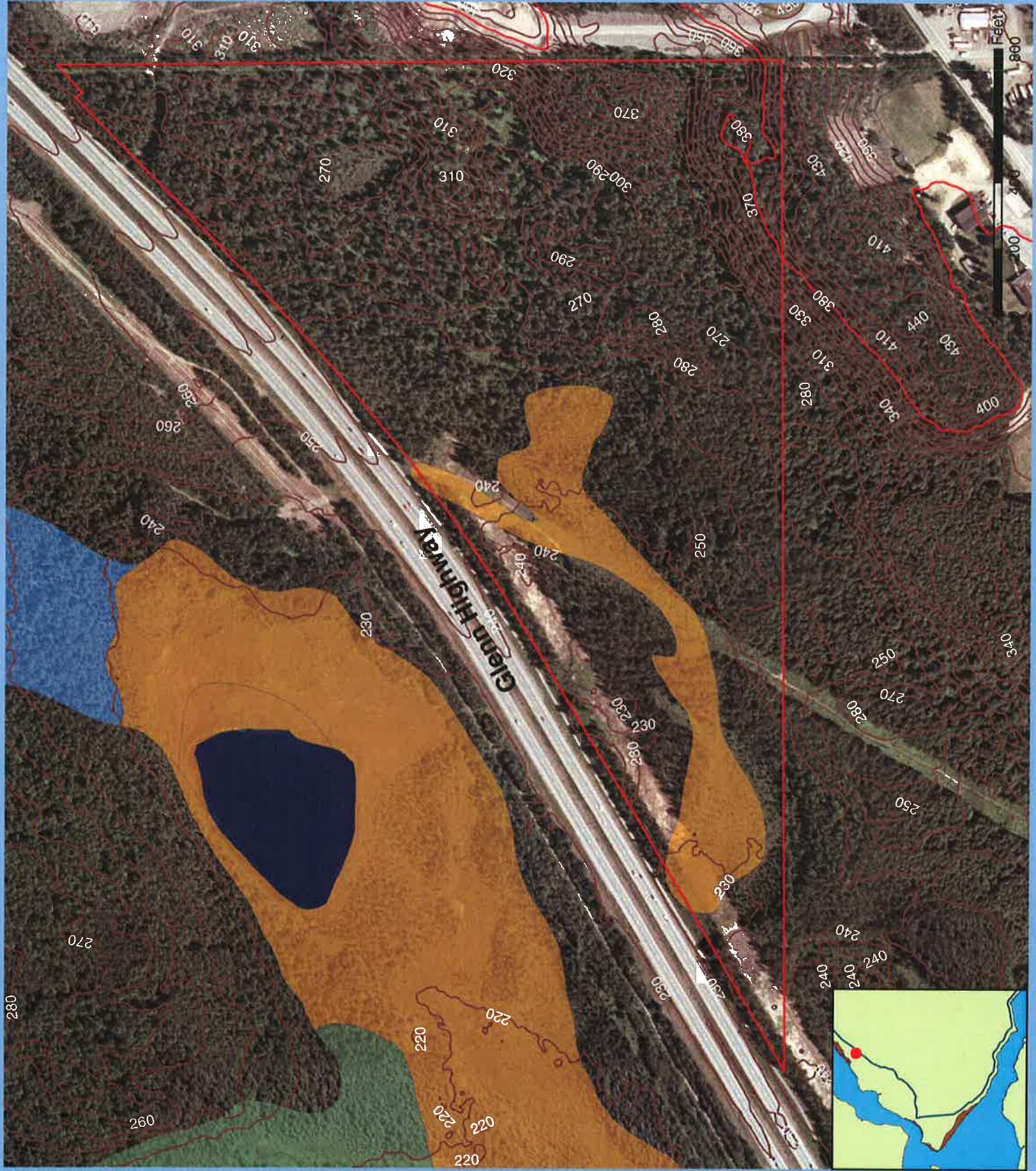


FIGURE 6

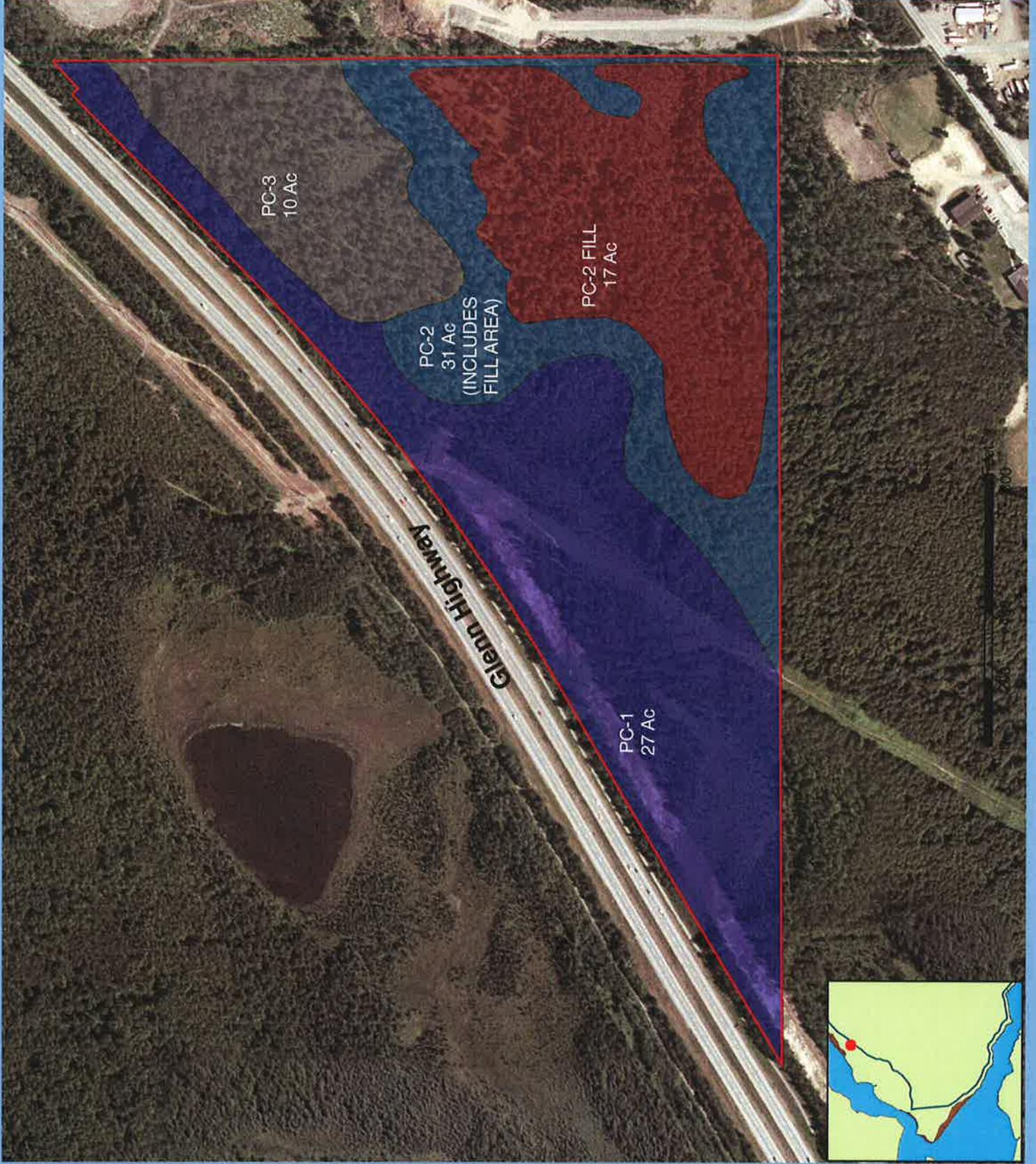
Proposed Zoning Map

LEGEND

- PC-3
- PC-1
- PC-2
- PC-2 Fill



EKLUTNA-CHUGIAK MASTER PLAN



APPENDIX B
DRAFT ASSEMBLY ORDINANCE

Submitted by: Chair of the Assembly at
the Request of the Mayor

Prepared by: Planning Department

For reading: _____, 2008

ANCHORAGE, ALASKA

AO No. 2008-_____

**AN ORDINANCE AMENDING ANCHORAGE ZONING MAP TO AMEND THE
PC (PLANNED COMMUNITY DISTRICT) TO EPC-PC, EPC-OS, AND EPC-IC
FOR THE PORTIONS OF THE NORTHEAST 1/4 OF SECTION 17, T15N R1W,
SERWARD MERIDIAN, LYING SOUTHEAST OF THE GLENN HIGHWAY.**

(Birchwood Community Council) (Planning and Zoning Case 2008-xxx)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The Master Plan for the Planned Community (PC) District for Parcel 051-182-01-000-06, located at the portions of the northeast 1/4 of Section 17, T15N R1W, Seward Meridian, lying southeast of the Glenn Highway, is hereby amended as set forth in the following sections.

Section 2. Development of the PC district on parcel 051-182-01-000-06 shall proceed in substantial conformance with the Eklutna-Chugiak Site Master Plan dated August 2008, prepared by DOWL Engineers for Eklutna Inc. The Master Plan text, tables and maps are adopted and incorporated by reference as part of this ordinance. The zoning districts identified in the plan represent the development areas for the master plan area. The zoning districts shown in Figure 6 of the 2008 Eklutna-Chugiak Site Master Plan and the district regulations as described in Section 3 below identify the permitted and conditional uses for each district.

Zoning District	Acres
EPC-PC1	27
EPC-PC2	31
EPC-PC3	10
Total Area	68

Section 3. The following zoning districts are adopted for the Eklutna-Chugiak Site development areas, as illustrated in Figure 6. The districts are designed to be similar zoning districts within Anchorage Municipal Code (AMC) Title 21. Where title 21 sections are referenced, the provisions shall be those in Title 21 at the time of the adoption of this ordinance.

1 **EPC-PC-1 Open Space/Recreation**

2 **A.** ***Intent.*** The open space district is intended to designate open spaces and
3 wetlands that may serve as greenbelts or buffers. Permitted uses and
4 accessory uses preserve and protect these open spaces while allowing for
5 compatible recreational uses.

6 **B.** ***Permitted principal uses and structures.*** Permitted principal uses and
7 structures are as follow:

- 8 1. Parks, parkways and greenbelts, land reserves, open space, trails and
9 related facilities.
- 10 2. Private recreation facilities, including private golf courses,
11 playgrounds, play fields, private recreation centers, private equestrian
12 facilities, arenas and the like.
- 13 3. Utility and transportation facilities.
- 14 4. Local snow storage.
- 15 5. Non-motorized sports facilities.

16 **C.** ***Permitted accessory uses and structures.*** Permitted accessory uses and
17 structures are as follows:

- 18 1. Uses and structures necessary or desirable adjuncts to permitted
19 principal uses and structures, where such accessory uses or structures
20 are under the management or control of the organization or agency
21 responsible for the permitted principal use or structure.

22 **D.** ***Conditional uses.*** Permitted conditional uses area s follows:

- 23 1. Commercial recreational uses, including non-residential structures
24 associated with such commercial recreation uses, for a period of time
25 determined by the planning and zoning commission.
- 26 2. Commercial Greenhouses.

27 **E.** ***Minimum Yard Requirements.*** 25 feet front, side, and rear.

28 **F.** ***Maximum Lot Coverage.*** Maximum lot coverage by structures is 25
29 percent.

30 **G.** ***Maximum Height of Structure.*** Maximum height of all structures shall not
31 exceed 35 feet in height.

- 1 | **C.** **Conditional uses.** Subject to the requirements of the conditional use
2 | standards and procedures of chapter 21.50 at the time of adoption of this
3 | ordinance, the following uses may be permitted:
- 4 | 1. Motorized and non-motorized sports facilities.
- 5 | **D.** **Permitted accessory uses and structures.** Permitted accessory uses and
6 | structures are as follows:
- 7 | 1. Crematoriums and mausoleums as accessory uses to permitted
8 | cemeteries.
- 9 | 2. Uses and structures necessary or desirable adjuncts to permitted
10 | principal uses and structures, where such accessory uses or structures
11 | are under the management or control of the organization or agency
12 | responsible for the permitted principal use or structure.
- 13 | **E.** **Prohibited uses and structures.** The following uses and structures are
14 | prohibited:
- 15 | 1. Any use causing, or reasonably expected to cause, excessive noise,
16 | vibration, smoke, dust or other particulate matter, toxic, or noxious
17 | matter, humidity, heat or glare at or beyond any lot line of the lot on
18 | which it is located. The term “excessive”, for the purpose of this
19 | subsection, means to a degree exceeding that generated by uses
20 | permitted in the district in their customary manner of operations, or to a
21 | degree injurious to the public health, safety, welfare or convenience.
- 22 | **F.** **Minimum Lot Requirements.** Minimum lot requirements are as follows:
- 23 | 1. Lot width: 100 feet
- 24 | 2. Lot Area: 15,000 square feet
- 25 | **G.** **Minimum Yard Requirements.** 25 feet front, side, and rear.
- 26 | **H.** **Maximum height.** Maximum height of all structures shall not exceed 35
27 | feet in height.
- 28 | **I.** **Maximum lot coverage.** Maximum lot coverage by all buildings is 25
29 | percent.
30 |

1 **J.** *Signs.* Signs may be allowed in connection with any permitted use, subject
2 to the provisions in chapter 21.47, at the time of adoption of this ordinance.

3 **K.** *Parking.* Adequate off-street parking shall be provided in connection with
4 any permitted use, as specified in section 21.45.080, at the time of adoption
5 of this ordinance.

6 **L.** *Loading facilities.* Adequate off street loading facilities shall be provided
7 in connection with any permitted use, with the minimum for each use to be
8 provided as required in section 21.45.090, at the time of adoption of this
9 ordinance.

10 **M.** *Landscaping.* A minimum of 15 percent of the area of each development
11 site shall be maintained with live vegetative cover.

12 **Section 5. EPC-PC-3 Industrial / Commercial**

13 **A.** *Intent.* The Industrial / Commercial district is intended for suburban light
14 to moderate manufacturing, wholesale and distribution and
15 commercial/retail uses.

16 **B.** *Permitted principal uses and structures.* Permitted principal uses and
17 structures are as follow:

- 18 1. Farm equipment and garden supply stores.
- 19 2. Lumberyards and builders' supply and storage.
- 20 3. Plant nurseries.
- 21 4. Funeral services, including crematoriums.
- 22 5. Veterinarian clinics and boarding kennels, provided that such activity
23 shall be conducted within a completely enclosed building, except that
24 outdoor exercise yards accessory to such uses may be permitted.
- 25 6. Snow disposal sites subject to the conditional use standards for snow
26 disposal sites and an annual administrative permit.
- 27 7. Metal working or welding shops.
- 28 8. Steel fabrication shops or yards.
- 29 9. Vocational or trade schools.
- 30 10. Warehousing.
- 31 11. Self-storage facility.

12. Industrial storage yard, equipment, materials and outdoor storage.
13. Motorized and non-motorized sports facilities.
14. Retail facilities for sports, recreations and related uses.
15. Commercial recreation establishments.

C. Permitted accessory uses and structures. Permitted accessory uses and structures are as follows:

1. Uses and structures necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses or structures are under the management or control of the organization or agency responsible for the permitted principal use or structure.
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 interests 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 chapter 21.50 at the time of adoption, the following uses may be permitted:

1. Natural resource extraction on tracts not less than 5 acres.
2. Junkyards and salvage yards.

E. Minimum Lot Requirements

1. Table:

Lot Width	As determined by the platting requirements
Lot Area	As determined by the platting requirements

F. Minimum Yard Requirements.

1. Table:

Front Yard	Ten feet, if adjacent to a residential district; otherwise none.
Side Yard.	Ten feet, if adjacent to a residential district; otherwise none.
Rear Yard.	Ten feet, if adjacent to a residential district; otherwise none.

1 Hydro-axed materials

2 Tree fragments, stumps, turf, and other organics associated with
3 permitted clearing and grubbing operations, including wood chips from
4 grinding operations.

5 Concrete remnants related to demolition, concrete testing or
6 construction site clean-up.

7 **Materials not accepted include:**

8 Asphalt

9 Hazardous or contaminated materials

10 Grass clippings

11 Trash/garbage

12 2. The applicant shall identify contact people to respond to public
13 inquiries. The numbers of the contact people shall be provided to the
14 Chair of the Community Council and to the Manager of Land Use
15 Enforcement. The Community Council chairman and Land Use
16 Enforcement shall be notified of any change in the contact personnel or
17 business telephone number(s).

18 3. The petitioner must comply with all applicable MOA standards
19 applicable to fill operations. In addition, the Commission may further
20 restrict activities on the site through conditions addressing hours of
21 operation, truck routes, dust control, soil stabilization storm water
22 drainage, etc.

23 4. Dust mitigation plans on public roadways and on the roadways within
24 the site shall be submitted and approved by the Department of Health
25 and Environmental Protection and the Municipal Planning Department
26 as well as the methods to control spillage and clean up of the public
27 roads shall be submitted to ensure that the tracking of peat on the
28 Eklutna Planned Community site shall be contained.

29 5. Hours of fill operations will be are April through October (depending
30 on the weather), twenty-four hours a day, Monday through Saturday, no
31 holiday or Sunday operations.

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6. All trucks and equipment used in these operations shall be muffled so as not to exceed 88db.
7. Portable restrooms shall be maintained on-site during any periods of pit operations for employee use. Such restrooms shall be maintained in a sanitary condition at all times.
8. Annually an inspection report prepared by an Alaskan registered and professional engineer will identify the location and extent of the backfill as it relates to the fill being placed. This report to be submitted December 31 of each year to the Zoning Enforcement Officer and reviewed by the Municipal Engineer for compliance to these conditions of approval.
9. The fill operator shall provide log books with dates, time and material dumped, to be available upon request of Public Works, Building Safety and Zoning Enforcement.
10. Upon determination by Zoning Enforcement that a major violation of the conditions of approval is ongoing, by the filling of this property with other than structure soils and concrete the use shall be suspended until the major violation has been corrected.

Section 7. The Director of the Planning Department shall change the zoning map accordingly.

Section 8. This ordinance shall take effect immediately upon passage and approval by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage assembly this ____ day of _____ 2008.

Chair of the Assembly

ATTEST:

Municipal Clerk

APPENDIX C
TITLE 21 SUPPLEMENTAL DISTRICT REGULATIONS
(AS OF AUGUST 2008)

Chapter 21.45 SUPPLEMENTARY DISTRICT REGULATIONS*

***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 zones to be clearly designated by signs, § 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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- [21.45.010 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.](#)
 - [21.45.120 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.](#)
 - [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.](#)

21.45.010 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 2 1/2 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 references: 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. *Variances*. 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 variances 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.

GRAPHIC LINK: [Click here](#)

GRAPHIC LINK: [Click here](#)

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.*

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.

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 calculated 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:

$$\frac{\text{GLA of Office Space} - \text{GLA of (10\%} \times \text{retail space)}}{350 \text{ square feet}}$$

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 reduced 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 21.45.080X.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 21.45.080B. 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 21.45.080B. 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 INSET:

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 protection 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 specified 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 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:

TABLE INSET:

Total Car Spaces in Parking Lot	Minimum Car Accessible Spaces	Minimum Van Accessible Spaces	Total Accessible Parking Spaces, Required Minimum
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
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

TABLE INSET:

A	B	C	D	E	F	G
Parking Angle	Stall Width	Stall to Curb	Aisle Width 1-way	Aisle Width 2-way	Curb Length	Overhang
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	
	10.0	18.2	12.0	24	20.0	
40°	9.0	19.1	12.0	24	14.0	1.3
	9.5	19.5	12.0	24	14.8	
	10.0	19.9	12.0	24	15.6	
45°	9.0	19.8	12.0	24	12.7	1.4
	9.5	20.1	12.0	24	13.4	
	10.0	20.5	12.0	24	14.1	
50°	9.0	20.4	12.0	24	11.7	1.5
	9.5	20.7	12.0	24	12.4	
	10.0	21.0	12.0	24	13.1	
60°	9.0	21.0	18.0	24	10.4	1.7
	9.5	21.2	18.0	24	11.0	
	10.0	21.5	18.0	24	11.5	
70°	9.0	21.0	19.0	24	9.6	1.9
	9.5	21.2	18.5	24	10.1	
	10.0	21.2	18.0	24	10.6	
80°	9.0	20.3	22.0	24	9.1	2.0

	9.5	20.4	21.0	24	9.6	
	10.0	20.5	22.0	24	10.2	
90°	9.0	20.0	23.0	24	9.0	2.0
	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

TABLE INSET:

Parking Angle (O)	Stall Width (A)	Vehicle Projection (B)	Aisle Width (C)	Typical Module (D)	Interlock Reduction (E)	Overhang (F)
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

TABLE INSET:

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:

GRAPHIC LINK:[Click here](#)

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, parking, 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, construction 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. *Amotorized 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.

(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)

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 references: 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.

TABLE INSET:

	Use	Aggregate Gross Floor Area (square feet)	Berths Required	Type
1.	Freight terminals, railroad yards, industrial plants, manufacturing or wholesale establishments, warehouses	12,000--36,000 36,000--60,000 60,000--100,000 Each additional 50,000 or fraction thereof	1 2 3 1 additional	A A A A
2.	Auditoriums, motel convention halls, multifamily dwellings or sports arenas	25,000--150,000 150,000--400,000 Each additional 250,000 or fraction thereof	1 2 1 additional	B B B
3.	Health care facilities	10,000--100,000 Over 100,000	1 2	B B
4.	Department stores, retail establishments, restaurants funeral homes and commercial establishments not otherwise specified	7,000--24,000 24,000--50,000 50,000--100,000 Over 100,000, each additional 50,000 or major fraction thereof	1 2 3 1 additional	B B B B
5.	Hotels or office buildings	25,000--40,000 40,000--100,000 Each additional 100,000 or major fraction thereof	1 2 1 additional	B B 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 approval 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 references: 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.

21.45.120 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)

GRAPHIC LINK: [Click here](#)

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 (1 1/2-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 2 1/2 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 1 1/2 feet, thus giving an overall height of the trees plus berm of 9 1/2 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. *Variances.* 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:

TABLE INSET:

Street Class on Official Streets and Highways Plan	Setback from Centerline (feet)
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.W.9.b.
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.W.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.W.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 references: 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:

TABLE INSET:

Developed Density of Adjacent Part of Lot Subject to Application	Developed Density of Adjacent Urban Residential Lot
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:

TABLE INSET:

Use of Lot Containing Buffer Space	Use of Lot Adjoining Buffer Space	Type of Landscaping	Depth of Buffer Space (feet)
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

ADD FIGURE page 21.45-74 (Anchorage Bowl)

ADD FIGURE page 21.45-75 (Chugiak-Eagle River and Vicinity)

ADD FIGURE page 21.45-76 (Turnagain Arm)

(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 in a newspaper of general circulation in the municipality. 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)

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 dwelling. 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 planning and development shall publish notice of the application in a newspaper of general circulation in the municipality. 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)

Cross references: Hotel-motel room tax, Ch. 12.20.

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

TABLE INSET:

	Bed and Breakfast			Roominghouse, 4+ Guestrooms	Motel, 6+ Guestrooms	Hotel, 2 Guestrooms
	3 Guestrooms	4 Guestrooms	5 Guestrooms			
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
PC planned community district	--	--	--	--	--	--
MC marine commercial district	NP	NP	NP	NP	CU	CU
MI marine industrial district	NP	NP	NP	NP	NP	NP

TABLE INSET:

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 references: 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 in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice 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)

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 references: 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 sunsetting, 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:

TABLE INSET:

District	Attached Area	Units Width	Detached Area	Units Width
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 underSection 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 withSection 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 underSection 21.50.45, 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 references: 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 in a newspaper of general circulation in the municipality. 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; 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)

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 subject 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 commission, 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 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.* 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)

