

Municipality of Anchorage

MEMORANDUM

DATE: December 4, 2023
TO: Planning and Zoning Commission
THRU: *cl* Craig H. Lyon, Planning Director
FROM: *FM* Francis McLaughlin, Senior Planner
SUBJECT: Case 2023-0127, Text Amendments to Title 21

The Assembly sponsors of AO 2023-103 are requesting the Commission's review of proposed amendments to the ordinance, which are attached.

(S) Submitted by: Assembly Members Volland,
Cross, and Sulte
(S) Prepared by: Legislative Services Office and
Assembly Counsel's Office
(S) Reviewed by: Planning Department, Building
Services Department
For reading: December 19, 2023

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**ANCHORAGE, ALASKA
AO No. 2023-103(S)**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CERTAIN**
2 **PROVISIONS OF ANCHORAGE MUNICIPAL CODE TITLE 21 TO CREATE A**
3 **CLASSIFICATION OF RESIDENTIAL DEVELOPMENT FOR THREE AND FOUR**
4 **DWELLING UNIT CONSTRUCTION; APPLY THE RESIDENTIAL DESIGN**
5 **STANDARDS FOR ONE- AND TWO-FAMILY DWELLINGS TO SUCH**
6 **DEVELOPMENTS; AND CONFORMING CODE AMENDMENTS.**

7
8 **WHEREAS**, with one-third of Alaska's population and nearly half of its jobs in a 100-
9 square-mile area, the Anchorage Bowl is the urban center of an emerging
10 metropolitan region and home to a vibrant community burdened by a housing
11 shortage; and

12
13 **WHEREAS**, in 2022, Alaska built 2.4 new housing units for every 1,000 people, on
14 average. In the same year, the Matanuska-Susitna Valley added 7.0 new housing
15 units and Anchorage only added 1.3 new housing units; and

16
17 **WHEREAS**, the median single family home listing price in Anchorage rose 43% in
18 only three years from \$311,000 in January 2020 to \$446,000 in May 2023,
19 increasing financial barriers for residents who want to become homeowners; and

20
21 **WHEREAS**, the costs of new construction in the Municipality of Anchorage are
22 historically higher than in other local jurisdictions in the state and country, with hard
23 costs from almost \$300 per square foot in Anchorage compared to hard costs of
24 \$120 per square foot in the Lower 48; and

25
26 **WHEREAS**, AR 2022-416 identifies actions to alleviate Anchorage's housing
27 shortage and affordability crisis through support of the development of housing
28 across the Municipality and encourages actions that create opportunities for
29 increased and more dense development; and

30
31 **WHEREAS**, the policy principals adopted via AR 2023-260(S) aim to increase the
32 local housing stock and create more diverse, affordable opportunities for home
33 ownership by establishing that the Municipality will work to enact policies that 1)
34 increase the supply of housing for sale, 2) increase the supply of rental housing, 3)
35 increase the proportion of resident-occupied housing, and 4) reduce housing cost
36 burdens on residents; and

37
38 **WHEREAS**, the *Anchorage 2040 Land Use Plan (2040 Plan)* assesses the housing

¹ Based on housing development analysis by Agnew::Beck, SALT, NeighborWorks Alaska, and ONC,
[Housing Alaskans: 2023 Data Takeaways](#)

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1 and employment needs of current and future Anchorage residents and includes
2 goals, priorities and actions to address those needs; and
3

4 **WHEREAS**, Goal 2 of the *2040 Plan* envisions that “infill and redevelopment meets
5 the housing and employment needs of residents and businesses in Anchorage,”
6 with Policy 2.3 to “remove barriers to desired infill development” and “to promote
7 adaptive reuse of older buildings and compact infill/redevelopment;” and
8

9 **WHEREAS**, Goal 3 of the *2040 Plan* envisions thriving, walkable mixed-use
10 commercial centers within a neighborhood context with “housing affordable to a
11 range of incomes;” and
12

13 **WHEREAS**, Goal 4 of the *2040 Plan* envisions that Anchorage’s neighborhoods
14 provide a range of places to live, meeting the housing needs of residents at all
15 income levels, household sizes, interests, ages, abilities and races and ethnicities,”
16 with Policy 4.2 to “allow and encourage innovative compact housing types and a
17 variety of housing options,” Policy 4.3 to “promote balanced neighborhoods with
18 diverse infill housing,” and Policy 4.4 to “encourage property owners to preserve,
19 rehabilitate, or redevelop properties in ways that minimize housing displacement
20 and maintain affordability, health and safety for residents;” and
21

22 **WHEREAS**, the *2040 Plan* envisions compact mixed residential areas with low
23 density, with the “Compact Mixed Residential – Low” land use designation identified
24 by zones R-2M and R2-D, providing for “a compatible diversity of single-family,
25 attached and multi-family housing choices in the same neighborhood,” at **five**
26 **[EIGHT]** to fifteen units per gross acre, **with eight or more near Centers or**
27 **Transit-supportive Development corridors;** and
28

29 **WHEREAS**, the *2040 Plan* envisions compact mixed residential areas with medium
30 density, with the “Compact Mixed Residential – Medium” land use designation
31 identified by zones R-2M and R-3, providing for “multi-family and a mix of compact
32 single-family and attached housing,” at **ten to thirty units per gross acre, with**
33 **fifteen or more near Centers or Transit-supportive Development corridors**
34 **[FIFTEEN TO THIRTY-FIVE UNITS PER GROSS ACRE];** and
35

36 **WHEREAS**, the *2040 Plan* envisions urban residential areas with high density, with
37 the “Urban Residential – High” land use designation identified by zones R-3 and R-
38 4, providing for “urban living opportunities” through “apartment buildings,
39 condominiums and townhouses,” at **fifteen to eighty housing units per gross**
40 **acre, with twenty or more near Centers or transit corridors [THIRTY-FIVE**
41 **UNITS PER GROSS ACRE];** and
42

43 **WHEREAS**, **the R-2M Mixed residential zoning district currently states an**
44 **intended gross density between five and 15 dwelling units per acre (AMC**
45 **21.04.020F.1.), but the 2040 Plan includes the R-2M in both designations for**
46 **Compact Mixed Residential – Low and Compact Mixed Residential – Medium,**
47 **the latter which has an intended upper density limit of thirty housing units per**
48 **gross acre, inclusive of the R-2M district; and**
49

50 **WHEREAS**, the 2018 Housing Survey Report from the Anchorage Economic

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1 Development Corporation² reports that only 21 percent of respondents said that they
 2 would like to see more large, single-family homes in Anchorage – the bulk of what
 3 has been developed for several decades – revealing that this segment may be
 4 overbuilt and small high-density or multi-family housing is lacking; and
 5

6 **WHEREAS**, the same study revealed that the most attractive housing type to
 7 respondents was cottage-style, with 64 percent of respondents wanting more of this
 8 type of housing in Anchorage, and that of those surveyed who had attempted to buy
 9 a home in the previous three years, 69 percent reported they were unsuccessful
 10 because housing was too expensive; now, therefore,
 11

12 **THE ANCHORAGE ASSEMBLY ORDAINS:**

13
 14 **Section 1.** Anchorage Municipal Code section 21.04.020 is hereby amended to
 15 read as follows (*the remainder of the section is not affected and therefore not set*
 16 *out*):
 17

18 **21.04.020 Residential districts.**

19 *** **

20 **F. R-2M: Mixed residential district.**

- 21 1. *Purpose.* The R-2M district is intended primarily for residential
 22 areas that allow for a variety of single-family, two-family, **small**
 23 **multifamily,** and multifamily dwellings, with gross densities
 24 between five and **30 [15]** dwelling units per acre. The R-2M
 25 district provides residential neighborhoods with a greater
 26 diversity of housing by allowing a mix of both detached and a
 27 variety of attached dwelling types in close proximity to each
 28 other, rather than separated into different zoning districts. The
 29 R-2M district is to be located in established or redeveloping
 30 residential neighborhoods or is to create a transition between
 31 single-family, two-family, **small multifamily,** and higher
 32 density multifamily and mixed-use areas. The design of new
 33 development, such as building scale and setbacks, parking
 34 facility size and location, and yard landscaping, should be
 35 complementary to the existing neighborhood and mix of
 36 dwelling types.
 37 2. *District-specific standards.*
 38 a. Residential buildings shall contain no more than eight
 39 dwelling units.
 40 b. The maximum length of a building elevation that is **two**
 41 **and a half stories [30 feet]** [TWO AND A HALF
 42 STORIES] or more in height at any point shall be 150
 43 feet. Otherwise, the maximum length shall be 180 feet.
 44 c. The minimum side setback established in Table 21.06-1
 45 for multifamily dwellings in the R-2M district is reduced
 46 from ten feet to five feet, provided the building elevation
 47 facing the side lot line is:
 48 i. No more than 72 feet in length, in order to be

² Anchorage Economic Development Corporation, 2018 Housing Survey Report

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compatible in scale to a single-family~~[, two-family, or small multifamily]~~ dwelling or duplex [OR DUPLEX]; or

- ii. No more than 48 feet in length without a recess in its wall plane, such that the remaining portion of the building elevation has a minimum side setback of at least 15 feet, in order to appear as an arrangement of smaller, connected structures with backyard space.

G. *R-3: Mixed residential district.*

1. *Purpose.* The R-3 district is a multifamily residential district with gross densities between 15 and 40 dwelling units per acre, provided, however, that housing allowed in the R-1, R-1A, R-2A, and R-2D are a permitted use. It is intended primarily for ~~[small multifamily,]~~ multifamily and townhouse dwellings characterized by low-rise multistory buildings. It allows a higher percentage of lot coverage than the R-2M zone, while also maintaining the residential living environment with landscaping, private/common open spaces, and other amenities for residents. This district provides greater housing opportunities and efficient use of residential land near commercial, community activity centers, town centers, and areas well served by transit.

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I. *R-4: Multifamily residential district.*

1. *Purpose.* The R-4 district is a multifamily medium to high density residential district. It is intended primarily for multifamily and multi-story residential buildings, but also allows single-family, duplex, ~~[small multifamily,]~~ and townhouse residential development. For multi-story buildings, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) and other site development standards. Multi-story development is intended to be applied in areas well served by transit and/or arterial streets, and by supportive commercial services near the major commercial and employment centers in downtown and midtown. Although some commercial development is allowed within a residential development, the district is intended to be primarily residential. For multi-story buildings, development is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services.

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(AO 2012-124(S), 2-26-13; AO No. 2015-100, § 1, 10-13-15 ; AO No. 2017-176 , § 3, 1-9-18; AO No. 2019-58 , § 2, 5-7-19; AO 2022-36 , § 2, 4-26-22)

Section 2. Anchorage Municipal Code subsection 21.05.030A. is hereby amended to read as follows (*the remainder of the section is not affected and*

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1 therefore not set out):
 2

3 **21.05.030 Residential uses: Definitions and use-specific standards.**
 4 *** **

5 A. *Household living.* This category is characterized by residential
 6 occupancy of a dwelling unit by a "household," which is defined in
 7 Chapter 21.15. Tenancy is arranged on a month-to-month or longer
 8 basis. Common accessory uses include recreational activities, raising
 9 of pets, gardens, personal storage buildings, hobbies, and parking of
 10 the occupants' vehicles. Specific use types include:

11
 12 1. *Dwelling, mixed-use.*

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

17 b. *Use-specific standards.*

- 18 i. Two or more mixed-use dwellings in the same building
 19 with a non-residential use constitute a mixed-use
 20 development.
 21 ii. Two or more mixed-use dwellings shall comply with the
 22 applicable design standards of Section 21.07.110,
 23 Residential Design Standards, as determined by the
 24 building style.

25 2. *Dwelling, multifamily.*

26 a. *Definition.* A residential building or multiple residential buildings
 27 comprising ~~three~~ **five** [THREE] or more dwelling units on one
 28 lot. The definition includes the terms "apartment" or "apartment
 29 building."

30 b. *Use-specific standards.*

- 31 i. Multifamily developments that consist of ~~five~~ [THREE]
 32 or more units in one building shall comply with
 33 subsection 21.07.110C., standards for multifamily
 34 residential, except as provided in subsection b.iii.
 35 below.
 36 ii. Dwellings with single-family style and two-family style
 37 construction in multifamily developments, and
 38 multifamily and townhouse developments with less
 39 than five units, [except those with four units or
 40 fewer] shall comply with the residential design
 41 standards in subsection 21.07.110D., Standards for
 42 Some Single-Family and Two-Family Residential
 43 Structures and Multifamily Developments With
 44 Less Than Five Units.
 45 iii. Dwellings with townhouse style construction with five
 46 or more units [except those with four units or
 47 fewer] in multifamily developments shall comply with
 48 subsection 21.07.110C., standards for multifamily and
 49 townhouse residential.

50 *** **

- 6. Dwelling, two-family.
 - a. Definition. One detached building on one lot designed for and constituting two dwelling units. The definition includes the term "duplex."
 - b. Use-specific standard. Two-family dwellings constructed after January 1, 2014 shall comply with the applicable residential design standards in Section 21.07.110, Residential Design Standards.

~~7. Dwelling, small multifamily:~~

- ~~a. Definition. One or more detached residential buildings not exceeding three stories, with two to four dwelling units on one lot.~~
- ~~b. Use specific standard. Small multifamily dwellings shall comply with the applicable residential design standards in Section 21.07.110, Residential Design Standards.]~~

~~7[8][7]. Dwelling, mobile home.~~

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2014-58, § 1, 5-20-14; AO No. 2015-133(S), § 4, 2-23-16 ; AO No. 2017-160 , § 1, 12-19-17; AO No. 2018-118 , § 2, 1-1-19; AO No. 2020-23 , § 2, 3-10-20; AO No. 2020-24 , § 1, 3-10-20)

Section 3. Anchorage Municipal Code subsection 21.05.010E., *Table of Allowed Uses*, is not amended by this ordinance [HEREBY AMENDED TO READ SHOWN IN EXHIBIT A, ATTACHED HERETO].

Section 4. Anchorage Municipal Code section 21.06.020B.A., Table 21.06-1 Table of Dimensional Standards - Residential Districts, is hereby amended to read shown in Exhibit B, Rev1, attached hereto.

Section 5. [New AO section in the (S) version] Anchorage Municipal Code section 21.06.030C. is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

21.06.030 - Measurements and exceptions.

*** *** ***

C. Setbacks.

*** *** ***

2. Projections into required setbacks. The following structures or features may project into required front, side, or rear setbacks as specified in this subsection:

*** *** ***

- I. Primary Front Setback Encroachments. A single-family or two-family dwelling, or multifamily and townhouse

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construction with less than five units, may encroach into the primary front setback by up to five feet when there is no garage, or where there is a garage (attached or detached) where the front wall of the garage is located at least 8 feet behind the front façade of the house.

*** *** ***
 D. Height
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7. Three-Story Entitlement in R-2A, R-2D, and R-2M Zoning Districts

a. *Purpose*

The intent of this section is to allow three-story buildings in the R-2 zoning districts at transitions to higher-intensity zones or in locations that minimize bulk, shadowing, privacy, and character impacts on R-2 zoned residential neighborhoods.

b. *Three-story Entitlement on Large or Transitional Sites*

Development sites that meet one or more of criteria i. to **iv[III]**. are exempt from the two-and-one-half story limit in Table 21.06-1, provided all structures meet the 30- foot height limit and provide the height/bulk transition described in subsection c.:

i. The development site is at least ½ acre;

ii. The site is located at a transition to an R-3, R-3A, R-4, R-4A, RO, B-1B, B-3, I-1, or I-2 zoning district, either abutting at its side lot line (except not the side lot line opposite the primary front lot line on a corner lot), or adjacent facing across a local or collector street (except not a secondary frontage opposite the primary frontage on a double-fronted lot); **[OR]**

iii. The site is adjacent only to non-residential or three-story residential uses; **or**

iv. The site is multifamily and/or townhouse developments with less than five units.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-100, § 3, 10-13-15 ; AO No. 2017-176 , § 7, 1-9-18; AO No. 2018-12 , § 1, 2-27-18; AO No. 2020-10(S) , § 1, 3-10-20; AO No. 2020-38 , § 7, 5-28-20; AO No. 2021-89(S) , § 10, 2-15-22; AO 2022-36 , § 3, 4-26-22; AO 2023-77, § 10, 7-25-23)

Section 6[5].Anchorage Municipal Code Chapter 21.07 is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

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1 **Chapter 21.07 DEVELOPMENT AND DESIGN STANDARDS (NEW**
 2 **CODE - Effective January 1, 2014)**

3 *** **

4 **21.07.030 Private open space.**

5 *** **

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 7
 8 C. *Exemptions.* The following are exempt from the private open space
 9 requirement:

- 10 1. Single-family, two-family, **[small] multifamily dwellings with less**
 11 **than five units**, mobile home, and townhouse residential uses;

12 *** **

13 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-100, §
 14 4(Exh. B), 10-13-15 ; AO No. 2017-176 , § 8, 1-9-18; AO No. 2020-38 , § 8,
 15 5-28-20; AO 2023-77, § 10, 7-25-23)

16
 17
 18 **21.07.040 Drainage, storm water treatment, erosion control, and**
 19 **prohibited discharges.**

20 *** **

21 F. *Snow storage and disposal.*

22 *** **

- 23 2. *Applicability.* Except where stated otherwise, all existing and
 24 new uses with on-site surface areas to be plowed for motorized
 25 vehicle access or parking shall comply with this section. For
 26 example, this includes surface areas such as parking spaces,
 27 circulation and parking aisles, associated driveways, queuing
 28 lanes, emergency vehicle access lanes, loading areas, tractor
 29 trailer areas, and vehicle sales and display areas. The following
 30 uses and surfaces are exempt:

- 31 a. Single-family, two-family, **[small] [THREE-UNIT]**
 32 **multifamily dwellings with less than five units**,
 33 townhouse, and mobile home dwellings on individual
 34 lots;
 35 b. Snow disposal sites subject to subsection 21.05.060
 36 E.8.; and
 37 c. Ice-free (snow-melting) surfaces and/or covered
 38 surfaces.

39 *** **

40 (AO 2012-124(S), 2-26-13; AO No. 2015-100, § 5, 10-13-15 ; AO No. 2021-
 41 89(S) , § 21, 2-15-22)

42 *** **

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 44 **[NOTE: Subsection 21.07.080F.4.b. is newly added to the (S) version, with only**
 45 **the amendments to its current text indicated by legislative drafting markup.]**

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 47 **21.07.080 - Landscaping, screening, and fences.**

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49 F. *General landscaping requirements and standards.*

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4. *Installation of landscaping.*

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b. *Guarantee of landscaping survival.*

- i. The owner shall be responsible for landscaping installed to fulfill the requirements of this title and the approved site landscape plan. In order to ensure the preservation or replacement of required and installed landscaping, the owner shall provide to the municipality a warranty guarantee such as a letter of credit, escrow, performance bond, or other surety as approved by the director. Single-family and two-family homes and multifamily and townhouse developments with less than five units on individual lots, and lots less than 10,000 square feet in area are exempt from providing this guarantee. The warranty guarantee shall be in an amount equal to the following schedule, and shall remain in effect for two years, starting on the date the municipality witnesses the installation per the approved landscape plan.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 4, 7-28-15 ; AO No. 2017-55 , § 11, 4-11-17; AO No. 2017-160 , § 4, 12-19-17; AO No. 2020-11 , § 2, 2-25-20; AO No. 2020-38 , § 8, 5-28-20; AO No. 2020-93 , § 2, 10-1-20; AO No. 2020-133, § 1, 1-14-21; AO No. 2021-89(S) , §§ 11, 21, 2-15-22)

*** *** ***

21.07.110 Residential design standards.

*** *** ***

C. *Standards for multifamily and townhouse residential.*

*** *** ***

2. *Applicability.* These standards apply to:

- a. Any multifamily or townhouse development with five or more units [STRUCTURE (][five] [THREE] [OR MORE UNITS)]; and
- b. The residential portion of a mixed-use structure[;
- c. **ANY TOWNHOUSE DEVELOPMENT;**
- d. **ANY TOWNHOUSE-STYLE STRUCTURE, INCLUDING ANY ATTACHED SINGLE-FAMILY,] [OR [TWO-FAMILY][, ~~or small multifamily~~] [USE THAT IS CONSTRUCTED IN TOWNHOUSE-STYLE].**

This section does not apply in Girdwood or the DT districts.

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D. *Standards for some single-family and [,] [AND] two-family[, and small multifamily] residential structures [uses] [STRUCTURES], and*

Multifamily and Townhouse Developments with Less Than Five Units.

1. *Applicability.* The standards of this subsection D. apply to the developments listed below that are constructed after January 1, 2014. This section does not apply to dwellings constructed prior to January 1, 2014, accessory dwelling unit uses, or in Girdwood or the DT districts.
 - a. Any single-family use except for single-family residential uses on lots of 20,000 square feet or greater.
 - b. Any **two-family** ~~[small-multifamily]~~ [TWO-FAMILY] use that is **[NOT CONSTRUCTED IN TOWNHOUSE-STYLE AND IS]** on a lot less than 20,000 square feet.
 - c. Any multifamily use with single-family or two-family style construction **with less than five units.**
 - d. **Multifamily and townhouse developments with less than five units.**

2. *Mix of housing models.* Any subdivision or development of five or more **principal structures** ~~[buildings]~~ [UNITS] shall have a mix of housing models, as determined during the building permit process, according to Table 21.07-10. This applies to abutting or adjacent lots.

TABLE 21.07-10 MIX OF HOUSING MODELS

Number of <u>principal structures</u> [buildings] [UNITS]	Number of different models required
5—10	2
11—20	4
21—30	5
31 or more	6

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E. *Site design.*

*** *** ***

2. *Multiple structures on one lot.*
 - a. *Intent.* This section regulates the development of multiple residential structures on a single lot. The section is intended to allow flexibility from the subdivision regulations while still achieving neighborhoods that are healthy, safe, and convenient, and meet the goals of the comprehensive plan. The approval processes and standards are intended to result in a development with a cohesive neighborhood identity, an attractive and functional streetscape, a hierarchy of streets and driveways, convenient and safe pedestrian circulation, sufficient parking near each dwelling unit, usable and well-located open space, a positive image of higher density

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residential development, and well designed and visually pleasing structures and neighborhoods.

b. *Applicability.*

This section applies to the development of **five [THREE]** or more principal residential structures on a single lot. It does not apply to the development of an accessory dwelling unit or a caretaker's unit, or to developments in the R-4A district, **or to developments of two to four principal residential structures.**

c. Review process.

i. Multiple residential structures on a single lot are permitted in the **[R-2A, R-2D,]** R-2M, R-3, R-3A, R-4, R-4A, **[R-5, R-6,]** B-1B, B-3, and RO districts.

iii. Applicable developments with between **five [THREE]** and 30 dwelling units shall be approved by administrative site plan review pursuant to subsection 21.03.180C. Applicable developments with 31 or more dwelling units shall be approved by major site plan review pursuant to subsection 21.03.180D.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-36, §§ 8, 9, 5-14-15 ; AO No. 2015-100, § 8(Exh. C), 10-13-15 ; AO No. 2016-34(S), § 2, 4-12-16 ; AO No. 2016-136am , § 5, 1-1-17; AO No. 2017-160 , § 5, 12-19-17; AO No. 2017-176 , § 9, 1-9-18; AO No. 2018-59 , § 2, 7-31-18; AO No. 2020-38 , § 8, 5-28-20; AO No. 2021-89(S) , §§ 14, 21, 2-15-22; AO No. 2022-80(S) , § 2, 11-22-22; AO No. 2023-30 , § 1, 3-22-23; AO 2023-42, 8-22-23; AO 2023-50, § 2, 7-11-2023; AO 2023-77, § 14, 7-25-23)

*** **

Section 7[6]. This ordinance shall be effective **January 1, 2024 [IMMEDIATELY UPON PASSAGE AND APPROVAL BY THE ASSEMBLY].**

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair _____

ATTEST:

Municipal Clerk

Exhibit A.Rev1 – AO for 3 and 4 dwelling unit construction

<p>³ Marijuana cultivation facilities are permitted in the B-3 district when collocated with and attached to a marijuana retail sales establishment. Marijuana manufacturing facilities producing extracts using water-based, food-based, closed-loop carbon dioxide extraction systems, or other methods not employing solvents or gases, as described in 3 AAC 306.555, are permitted in the B-3 district. Marijuana retail sales establishments are permitted in the I-2 district when collocated with and attached to a marijuana cultivation facility or a marijuana manufacturing facility.</p>
<p>⁴ In accordance with subsection 21.05.040K.3.g., a tower or antenna that is not permitted in a district may be requested through the conditional use process.</p>
<p>⁵ In the AF district, three towers per lot are permitted by right (or, for Type 2 towers, by administrative site plan review). The installation of more than three towers per lot requires a conditional use permit.</p>
<p>⁶ Health services facilities not to exceed 15,000 gross square feet per individual parcel.</p>
<p>⁷ See subsection 21.05.060D.1.b. for specific use provisions applicable within the Port of Anchorage Security Area.</p>

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2013-139, § 1, 1-28-14; AO No. 2014-58, § 2(Att. A), 5-20-14; AO No. 2015-133(S), § 3(Exh. A), 2-23-16; AO No. 2015-142(S-1), § 3(Exh. B), 6-21-16; AO No. 2016-3(S), §§ 6, 7, 2-23-16; AO No. 2016-131, § 1, 11-15-16; AO No. 2016-136am, § 2, 11-15-16; AO No. 2016-156, § 1, 12-20-16; AO No. 2017-10, § 1, 1-24-17; AO No. 2017-57, § 1, 4-11-17; AO No. 2017-74, § 1, 5-23-17; AO No. 2017-176, § 4, 1-9-18; AO No. 2017-175(S), § 3(Exh. A), 2-13-18; AO No. 2020-38, § 6, 5-28-20; AO No. 2020-56, § 2, 6-23-20; AO No. 2021-54, § 1, 6-22-21)

[DG Note: Rev1 to update this to reflect current code. Some recent Code changes not yet codified/published were overlooked in creating this Exhibit.
Green = change by AO 2023-42 § 2;

21.05.010 Table of allowed uses.

*** **

E. Table of Allowed Uses - Residential, Commercial, Industrial, and Other Districts

TABLE 21.05-1: TABLE OF ALLOWED USES - RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS

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

For uses allowed in the A, TA, and TR districts, see section 21.04.060.

All other uses not shown are prohibited.

Use Category	Use Type	RESIDENTIAL										COMMERCIAL							INDUST.				OTHER				Definitions and Use-Specific Standards								
		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-3A	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	R-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR		PR	PLI	W					
Household Living	Dwelling, mixed-use							P	P									P	P	P	C												21.05.030A.1.		
	Dwelling, multifamily				P/S			P	P										P	P	P												21.05.030A.2.		
	Dwelling, single-family, attached			P	P			P	P																								21.05.030A.3.		
	Dwelling, single-family, detached	P	P	P	P			P	P																								21.05.030A.4.		
	Dwelling, townhouse					S	S	S	S												S	S											21.05.030A.5.		
	Dwelling, two-family			P	P			P	P																									21.05.030A.6.	
	Dwelling, small multifamily							P	P																									21.03.030A.Z.	
	Dwelling, mobile home																																		21.05.030A.8[7].
	Manufactured home community					C	C		C	C																									21.05.030A.9[8].

Exhibit A Rev1 – AO for 3 and 4 dwelling unit construction_ AO 2023-103(S)

1 See subsections 21.04.050B, and C, for interim provisions allowing for additional uses in the I-2 district.
2 Uses with structures with a gross floor area over 20,000 square feet require a major site plan review through subsection 21.07.120A., Large Commercial Establishments.
3 Marijuana cultivation facilities are permitted in the B-3 district when collocated with and attached to a marijuana retail sales establishment. Marijuana manufacturing facilities producing extracts using water-based, food-based, closed-loop carbon dioxide extraction systems, or other methods not employing solvents or gases, as described in 3 AAC 306.555, are permitted in the B-3 district. Marijuana retail sales establishments are permitted in the I-2 district when collocated with and attached to a marijuana cultivation facility or a marijuana manufacturing facility.
4 In accordance with subsection 21.05.040K, 3.g., a tower or antenna that is not permitted in a district may be requested through the conditional use process.
5 In the AF district, three towers per lot are permitted by right (or, for Type 2 towers, by administrative site plan review). The installation of more than three towers per lot requires a conditional use permit.
6 Health services facilities not to exceed 15,000 gross square feet per individual parcel.
7 See subsection 21.05.060D.1.b. for specific use provisions applicable within the Port of Anchorage Security Area.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2013-139, § 1, 1-28-14; AO No. 2014-58, § 2(Att. A), 5-20-14; AO No. 2015-133(S), § 3(Exh. A), 2-23-16; AO No. 2015-142(S-1), § 3(Exh. B), 6-21-16; AO No. 2016-3(S), §§ 6, 7, 2-23-16; AO No. 2016-131, § 1, 11-15-16; AO No. 2016-136am, § 2, 11-15-16; AO No. 2016-156, § 1, 12-20-16; AO No. 2017-10, § 1, 1-24-17; AO No. 2017-57, § 1, 4-11-17; AO No. 2017-74, § 1, 5-23-17; AO No. 2017-176, § 4, 1-9-18; AO No. 2017-175(S), § 3(Exh. A), 2-13-18; AO No. 2020-38, § 6, 5-28-20; AO No. 2020-56, § 2, 6-23-20; AO No. 2021-54, § 1, 6-22-21)

Proposed Amendment #1 to AO 2023-103(S)

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CERTAIN PROVISIONS OF ANCHORAGE MUNICIPAL CODE TITLE 21 TO CREATE A CLASSIFICATION OF RESIDENTIAL DEVELOPMENT FOR THREE AND FOUR DWELLING UNIT CONSTRUCTION; APPLY THE RESIDENTIAL DESIGN STANDARDS FOR ONE- AND TWO-FAMILY DWELLINGS TO SUCH DEVELOPMENTS; AND CONFORMING CODE AMENDMENTS.

Submitted by: Assembly Member Volland

PROPOSED AMENDMENT

Purpose/Summary of Amendment: The working group of stakeholders, municipal staff and Assembly sponsors had initially included the addition of two other zoning districts where multifamily units could be constructed in multiple principal residential buildings on a single lot, the R-2A (Two-Family Residential (larger lot)) and R-2D (Two-Family Residential) districts. However, the group recommended removal of that change because the focus of the group and the ordinance was on removing obstacles to developing triplexes and 4-plexes and not on expanding multifamily developments to other zoning districts where not currently allowed. This amendment will put the R-2A and R-2D districts back in the Code section allowing multiple structures on one lot, and limit them to 3- and 4-plexes or multiple buildings with less than 5 dwelling units on a single lot. This may be a little broader than the working group's focus, but it is aligned with the overall goals of the Assembly and the need to increase housing unit volume development and address the housing crisis by allowing more to be built. In order to enable this amendment, the Table of Allowed uses and the use-specific standards need to be amended as well to restrict the multifamily developments in the R-2A and R-2D districts to only those with less than five units. This does impact those two-family districts because they previously only allowed one- and two-family dwellings.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [Deleting words proposed by the unamended AO or AO(S) that are not in current code])

AO Section 2, p. 5, beginning at line 41, amending to add a new subsection as follows:

- iv. In the R-2A and R-2D districts, only those multifamily and townhouse developments with less than five units are allowed when compatible with the character of the district.*

AO Section 3, p. 6 beginning at line 20, amending to restore use of Exhibit A, and replace with Exhibit A.Rev1, and attach it, as follows:

Section 3. Anchorage Municipal Code subsection 21.05.010E., *Table of Allowed Uses*, is *hereby amended to read as shown in Exhibit A.Rev1, attached hereto* ~~[not amended by this ordinance]~~ **[HEREBY AMENDED TO READ SHOWN IN EXHIBIT A, ATTACHED HERETO].**

AO Section 6, p. 10, beginning at line 35, amending as follows:

- c. Review process.
 - i. Multiple residential structures on a single lot are permitted in the R-2A, R-2D, [R-2A, R-2D,] R-2M, R-3, R-3A, R-4, R-4A, [R-5, R-6,] B-1B, B-3, and RO districts.

Will there be any public or private economic effect to the proposed amendment?
 YES NO (check one) **If yes, please detail below.**

DRAFT

Proposed Amendment #2 to AO 2023-103(S)

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CERTAIN PROVISIONS OF ANCHORAGE MUNICIPAL CODE TITLE 21 TO CREATE A CLASSIFICATION OF RESIDENTIAL DEVELOPMENT FOR THREE AND FOUR DWELLING UNIT CONSTRUCTION; APPLY THE RESIDENTIAL DESIGN STANDARDS FOR ONE- AND TWO-FAMILY DWELLINGS TO SUCH DEVELOPMENTS; AND CONFORMING CODE AMENDMENTS.

Submitted by: Assembly Member _____

PROPOSED AMENDMENT

Purpose/Summary of Amendment: The Right of Way enforcement staff for the municipality mentioned some concerns with snow clearing violations that could result from enlarging the exception to required snow storage and disposal areas. The current code exempts, for residential uses, single-family, two-family, "three-unit multifamily," townhouse and mobile home dwellings on individual lots from the requirements. The proposed ordinance enlarges the exemption to include multifamily 4-unit dwellings as well. This amendment scratches that change and retains the current code language for this provision.

TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [Deleting words proposed by the unamended AO or AO(S) that are not in current code])

AO(S) Section 6, p. 8, beginning at line 20, amending as follows:

...The following uses and surfaces are exempt:

- a. Single-family, two-family, *three-unit* **[small]** [THREE-UNIT] multifamily ~~[dwellings with less than five units]~~, townhouse, and mobile home dwellings on individual lots;

Will there be any public or private economic effect to the proposed amendment?

YES NO (check one) **If yes, please detail below.**

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM ____-2023

Meeting Date: _____, 2023

1 **From: Assembly Members Cross, Sulte and Volland**

2
3 **Subject: AO 2023-103(S): AN ORDINANCE OF THE ANCHORAGE**
4 **ASSEMBLY AMENDING CERTAIN PROVISIONS OF**
5 **ANCHORAGE MUNICIPAL CODE TITLE 21 TO CREATE A**
6 **CLASSIFICATION OF RESIDENTIAL DEVELOPMENT FOR THREE**
7 **AND FOUR DWELLING UNIT CONSTRUCTION; APPLY THE**
8 **RESIDENTIAL DESIGN STANDARDS FOR ONE- AND TWO-**
9 **FAMILY DWELLINGS TO SUCH DEVELOPMENTS; AND**
10 **CONFORMING CODE AMENDMENTS.**

11
12 The (S) version of this ordinance makes several changes, some to correctly depict
13 current Code text that were inadvertently omitted. Those changes are not reflected
14 by legislative drafting markup, and were made by recently adopted ordinances
15 described below. The significant changes from the original AO to the (S) version are
16 also described, as follows:

- 17
18 • AO 2023-42, As Amended: Modified the R-4A District in Municipal Code and
19 it has not yet been codified. The changes were inadvertently omitted and
20 Exhibit A.Rev1 and Exhibit B.Rev1 include updated current language of that
21 AO.
- 22 • AO 2023-77, an omnibus ordinance to generally update and clarify some Title
23 21 provisions with current practice or inconsistencies, also made several
24 changes and have been included. Additionally, AO 2023-77 added a new
25 subsection AMC 21.06.030C.2.I., to allow for one-family and two-family
26 dwellings to encroach on front yard setbacks under certain conditions. The
27 new subsection is included in the (S) version in order to add "small
28 multifamily" to the allowed encroachment. AO 2023-77 made several text
29 changes to AMC 21.07.110, Residential Design Standards, including to
30 Subsection .110F. site design that's amended by this (S) version for the
31 Multiple Structures on One Lot in AO(S) Section 6 on p. 10.
- 32 • Incorporates the Planning Department's recommendations to remove the
33 proposed addition of "small multifamily" as a use category and instead
34 establish this classification of three- and four-plexes (or three- and four-
35 dwelling unit uses) by describing it as "Multifamily and Townhouse
36 Developments with Less than Five Units." This classification language is
37 then inserted where appropriate to include them in the appropriate
38 dimensional and design standards for similar treatment as single-family and
39 two-family residential uses and exempt them where relevant multifamily
40 regulations would otherwise apply. Many (S) version changes reflect the
41 restoration of current code language where "small multifamily" had been
42 inserted. A major change is adding this classification to AMC 21.07.110D.
43 design standards for Single-Family and Two-Family Residential Structures,

***** DRAFT *****

1 in AO(S) Section 6 on p. 9.

- 2 • In the Whereas paragraphs, the ones at the bottom of p. 2 were updated to
3 reflect the exact language of the 2040 Plan with respect to the stated density
4 per gross acre for the three designations described. And, a new Whereas
5 paragraph was added to highlight the R-2M district's hybrid nature in both the
6 Low and Medium Compact Mixed Residential designations.
- 7 • AO(S) Section 1: Increases the defined maximum density calculation, or
8 "dwelling units per acre (DUA)," in R-2M to 30 DUA, in. Although the Planning
9 Department recommended an increase to 20 DUA from the current 15 based
10 on calculations of the effect of the relaxed standards for three- and four-
11 plexes, the sponsors opted to change to 30 DUA since the 2040 Plan
12 indicates that is the maximum for R-2M in Compact Mixed Residential-
13 Medium areas.
- 14 • AO(S) Section 2: The use-specific standards for multifamily dwellings parse
15 out the "multifamily and townhouse developments with less than five units" in
16 AMC 21.05.030A.2.b.ii., on p. 5. And, the new use "small multifamily" is
17 deleted.
- 18 • AO(S) Section 3: Without a "small multifamily" definition, eliminates the
19 proposed changes to 21.05.010E., *Table of Allowed Uses*, and thus Section
20 3 is changed to omit Exhibit A that had amended the table.
- 21 • AO(S) Section 4: Without a "small multifamily" definition, eliminates the
22 proposed changes to zones R-3, R-3A, R-4, and R-4A in 21.06.020B.A.,
23 *Table 21.06-1 Table of Dimensional Standards - Residential Districts*.
24 Remaining proposed changes are limited to only the R-2M district. These are
25 reflected in new Exhibit B.Rev1.
- 26 • AO(S) Section 5 is a newly inserted section in the (S) version, to include a
27 previously overlooked change by AO 2023-77 for primary front setback
28 encroachments for single- and two family dwellings, and include the new
29 classification. In addition, the Planning Department recommended adding
30 the new classification for less than five units to the "Three-story Entitlement
31 on Large or Transitional Sites," which replaced several changes in the
32 original AO Exhibit A.
- 33 • AO(S) Section 6 includes a previously overlooked opportunity to include
34 multifamily with less than five units in an exemption from a financial warranty
35 guarantee for landscaping survival that was provided for single- and two-
36 family dwellings.
- 37 • AO(S) Section 6 also includes the more substantive change to the ordinance
38 with the change to terminology for describing the classification and where
39 they fit in the residential design standards in subsections 21.07.110C. and
40 .110D. Additionally, if there is more than one principal structure on a single
41 lot, where allowed in the zoning district, Subsection .110E. has design
42 requirements and an administrative site plan review process, but
43 developments of less than five residential units in two to four structures will
44 be exempt from that review process. They will still be reviewed under general
45 land use permit procedures.
- 46 • AO(S) Section 7: The effective date is set firmly at January 1, 2024.

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We request your support for the (S) version of the ordinance.

Prepared by: Legislative Services Office
Reviewed by: Assembly Counsel's Office

Respectfully submitted: Kevin Cross, Assembly Member
District 2, Chugiak / Eagle River

Randy Sulte, Assembly Member
District 6, South Anchorage

Daniel Volland, Assembly Member
District 1, North Anchorage