

Municipality of Anchorage

MEMORANDUM

DATE: August 1, 2016

TO: Planning and Zoning Commission

THRU: Hal H. Hart, AICP, Planning Department Director

FROM: Terry Schoenthal, Current Planning Division

SUBJECT: Case 2016-0101, Text Amendment to AMC 21.05 - Use Regulations, and AMC 21.08.050 Improvements

The proposed text amendments to Anchorage Municipal Code Title 21, (New Title 21) included in this package address a range of issues that have been raised by residents seeking permits, the Alaska Homebuilders Association, and the Municipal Planning Department. The issues include:

- The process for introducing code text amendments;
- Correcting an oversight that prohibited duplexes in the R-4 Zoning District,
- The allowable size of garages on larger parcels (more in line with Old Title 21)
- Use-specific standards for aircraft hangars at private air strips, and
- Window areas for both multi-family housing and for single-family homes.

Section 1, Title 21 Text Amendments

Although the use of New Title 21 became optional in 2015, it was little-used until it became mandatory in 2016. It was originally intended to be mandatory on January 1 of 2014 and the dates and deadlines identified in Section 21.03.210 were based on an anticipated start of use in January of 2014. As a result there will only be one year of testing before additional restrictions are placed on how frequently text amendments can be considered. In the seven months that New Title 21 has been in exclusive use, a number of needed amendments have come to light, some more important than others. What is clear is that there will be a need for additional amendments for some time to come.

This text amendment will first remove the requirement limiting text amendments to only two times a year. Old Title 21 had no such requirement. While there may be concern that text amendments will become commonplace as a result of removing this requirement, it should be noted that preparation of text amendments is careful, detailed work that undergoes a great deal of scrutiny. The ability to hastily bring new amendments forward is limited. The benefit of removing this clause is that amendments can be brought to the Planning and Zoning Commission and to the Municipal Assembly as the need arises. The second amendment to this section allows five years to bring conflicting provisions, inconsistencies, or unintended consequences directly to the Assembly, bypassing the Planning and Zoning Commission. This will allow three full years of vetting the new document, as was originally intended. The

ability to proceed straight to the Assembly with text amendments will cease to exist on January 1, 2019.

Section 2, Duplexes in the R-4 Zone

With this amendment, Table 25-01 is amended to allow duplexes (dwelling, two-family) in the R-4 District. When Title 21 was first being drafted, there was a desire to disallow single family residences and duplexes in the higher density R-4 zone. Over the course of review and community input, however, the ability to construct single-family homes and duplexes was restored as a permitted use in the R-4 district. This is clearly stated in the purpose statement:

21.04.020 Residential Districts, Paragraph H, R-4 Multi-Family Residential Districts, 1. Purpose

The R-4 district is a multifamily medium to high-density residential district. It is intended primarily for multi-family and multi-story residential buildings, but also allows single-family duplex, and townhouse residential development. - -

Although duplexes were clearly allowed in the R-4 district by way of the purpose statement, the “P” which would make it an allowable use was omitted in the Table of Allowed Uses, 21.05-1. This amendment will add a “P” to the table, making duplexes an allowed use in the R-4 district. It should be noted that single-family residences were already included as a permitted use in the table.

Section 3, Garages and Aircraft Hangars

New Title 21 is significantly more restrictive to garage sizes in many residential districts, than Old Title 21 was. Although not specifically defined under old Title 21, the Municipal policy regarding garages was that a garage could not be larger than the principal use (the home) on the parcel. As such, garages could be no more than 100% of the gross area of the principal use. Under New Title 21, garages, attached or detached, can be no larger than 50% of the principal structure on the parcel. This doesn't necessarily mean that garages can only be half of what they used to be in area, but that is often the case. A number of residents have come to the planning department with garages designed under old code or with a desire to build a larger garage that are now prohibited from doing so. The argument for enforcing smaller garage sizes is that individuals occasionally established illegal home businesses in the larger garages and that larger garages disrupt the character of older established neighborhoods.

First, law-abiding residents who seek larger garages for storage of RVs, snow machines, car collections, or other legal uses should not be punished for the activities of a few who might use a larger garage for an illegal home occupation. We have code compliance and enforcement officials to deal with that issue. Second, our community has lived with a code that allowed larger garages for decades. There is no good reason to believe our neighborhoods are at risk now from those few who would build larger garages. Our urban neighborhoods are protected separately by lot coverage requirements. As an example in an urban neighborhood, an average lot is six thousand or seven thousand square feet. The maximum lot coverage allowed in most

urban neighborhoods is 30%. If the home (principal structure) occupied 1,500 square feet, the garage could also be up to 1,500 square feet in area, except that lot coverage would only allow a total of 2,000 square feet. In this case, an unattached garage could only be 500 square feet in area as a result of the lot coverage requirements. In those few cases, where much larger lots exist, there is very little possible harm in allowing larger garages.

This amendment maintains current restrictions in the R-2M, R-3, R-4, and R-4A districts. Restricting the size of garages in these districts is intended to promote the higher density desired in these districts.

While garage allowances are larger for the very large lots found in the R-8, R-9, and R-10 districts, these lots are protected because they are also restricted to only 5% lot coverage.

The accessory use of aircraft hangars in residentially zoned areas is uncommon in Anchorage, but found in several locations. It has not previously been addressed by code, but rather by a written policy. It was intended to be included in New Title 21, but overlooked. The new description and use-specific standards are taken directly from the existing policy used under Old Title 21.

Section 4, Windows Facing the Street

A primary purpose of New Title 21 is to implement the goals and policies of the Anchorage 2020 Comprehensive Plan. Of the many policies identified in the implementation section of the comprehensive plan, there are none that specifically address windows, but there are many that relate to windows in homes. Policies 41 and 42 call for design requirements that are responsive to Anchorage's climate and natural setting. The plan calls for implementation of winter city principals and improved solar access in a short section on design standards. Placement of windows has a significant impact on solar access, however a requirement for windows facing a street has little relationship to solar access. The plan also promotes environmental sustainability in our community. In Alaska, energy conservation is a key tenant of environmental sustainability and windows are the primary source of energy loss in our buildings. Quantity and placement of windows is the most important single consideration toward energy conservation in house design. In particular, placement of windows on the north side of a home should be minimized. Finally, the 2020 Comprehensive Plan promotes small home and affordable home development throughout the document. The Implementation section notes: "The objective of this strategy is to remove regulatory impediments that increase housing costs without a clear and convincing public benefit. However, it is not designed to result in the addition of structures that are insensitive to community design expectations or are of reduced quality and shorter building life." Current design standards for windows are particularly damaging to market value small home and narrow lot development, because these standards either by design or otherwise are prohibitive to two-car garages. Without two-car garages, the marketability of such homes is minimized.

The Alaska Homebuilders Association, builders of multi-family housing, as well as numerous individual Anchorage residents have found the new requirements

restrictive. Complaints about the restrictive nature of the standards led to the passage of AO2016-34S, which changed the minimum requirement from 15% to 10% of window area for any elevation facing a street. That assembly ordinance is scheduled to sunset December 31 of 2016. One purpose of this text amendment is to permanently codify a 10% minimum window area for most homes (less for small homes and narrow lot homes). This amendment also modifies the way street-facing home elevations are measured to simplify calculation and so as not to penalize homes with gables facing the street.

At the time the Assembly Ordinance reducing requirements for window area was passed, the Planning Department was asked to look at existing window areas for neighborhoods around Anchorage. To meet this request, images of 60 homes were taken in representative neighborhoods in many parts of Anchorage and the ratio of windows to building elevation was calculated for each of the homes. A sampling of those homes is attached as "Window Area Examples".

Some key findings of this exercise include:

- Most large homes and older homes can meet the window area requirements, but smaller, newer homes on small or narrow lots are particularly challenged in meeting the window area criteria.
- A number of high-end residences were unable to meet the old (15%) requirement even though the designs provided ample "eyes on the street" and a pleasing design aesthetic. See examples 18 and 23. In example 23, the elevator tower on the left expanded the building elevation square footage to the point that it would not be able to meet the criteria.
- There is no real relationship between quantity of windows and aesthetics. The overall design of the house is far more important than the quantity of windows. Example number 26 meets the 15% window requirement but does little for the streetscape, while Example number 4 would not meet either the old or the new requirement and yet it is a particularly handsome home. In this case, the main window area is focused on views on the opposite side of the home.
- The window requirements are heavily focused on reducing the impact of garages and not so much about windows. Example 24 is an attractive small home without a garage and it has a very high percentage of windows as a result. One can see a truck parked in the driveway next to the house. If that same house had a two-car garage, the window percentage would be halved or worse and might not meet the requirements because garage doors cannot be counted in the openings. The house would still have all of the positive attributes the windows bring in spite of adding a garage. Additionally, windows on a side of a garage (see example 13) are acceptable, but they are not acceptable on the front of a garage.
- The existing method of measurement discriminates against having gable ends facing the street. Examples 1, 16, and 17 show the added interest provided by gable ends facing the street, but they add elevation area that has to be offset by added window area. For this reason, a new method of measurement is proposed.

- In cases where homes face onto two street frontages, none of the homes sampled could meet the requirements for both frontages (see examples 19 and 20). Although there is some recourse for multi-family homes on second frontages. There is no recourse but a variance for single and two-family homes that are subject to this requirement.

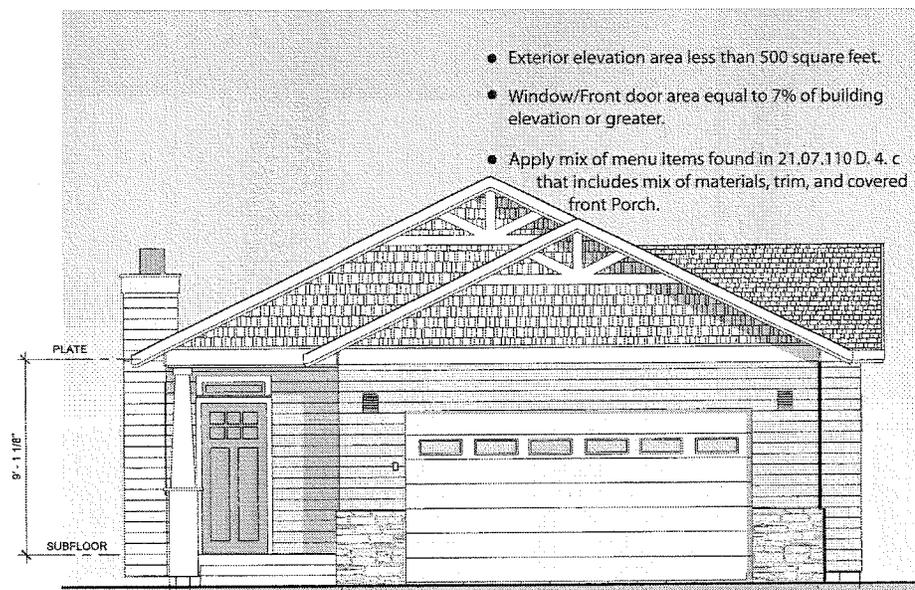
A take-away of this exercise is that there are a variety of reasons for the way spaces are oriented in a private home. They include views, energy conservation, access to a garage, and a variety of others that relate directly to the individual parcel and the needs of the owner. A reduction in window area allows these criteria to continue to play a stronger role in how homes are organized.

Proposed Amendments (see the Assembly Ordinance)

- A. Removal of the sentence: “Windows in a garage door do not count toward the minimum area in this Section”, (applies to both multi-family and single-family standards). The committee reviewing this window section noted that many residents spend a considerable time in the garage and that windows in garage doors do provide eyes on the street and may improve the aesthetic quality of the home. Windows on the side of a garage do count toward window area (see image 13), however windows in a garage door do not. This does not appear fair or reasonable.
- B. Modification to Wall Area Calculation. Existing wall area calculation includes all areas on a building elevation with the exception of roof, eaves, fascia, and vent stacks. This amendment reduces the elevation area to the space between finish floor and the top plate of the building. This will eliminate the triangular area of gable ends from the calculation. This is beneficial because it simplifies calculation and the gable ends add visual interest to the street. Further, the gable ends are frequently attic space and not suitable for windows. Images 1 and 16 show houses with exposed gable ends and show the difference in window area calculation between the existing method and the proposed method for calculation. Homes with no exposed end gables typically have the same window percentage by either method of calculation (see images 2, 4, and 5).
- C. Removal of the “Flexibility in Window Placement Paragraph”. This paragraph is removed, because with a reduction in required window area, there is no need to allow the flexibility provided by this paragraph.
- D. Modification to the “Five Star Energy Rating” paragraph. The modification to this paragraph is somewhat semantic. The intent is that if a building or home has achieved a 5-star energy rating, but would lose that rating as a result of adding an additional window that would make the difference between meeting the window requirement or not, then the window would not be required.
- E. Addition of a paragraph to address additions and renovations. A large percentage of existing homes in Anchorage will be non-conforming for the new window requirements. New Title 21 did not address how the requirements

address additions and renovations. This paragraph provides the necessary guidance.

- F. Window area calculation for some single-family and two-family residences. A continuation of the window reduction to 10%, as identified in AO 2016-34F is recommended for most homes.
- G. Addition of statement allowing director discretion for second street-facing elevation. This statement provides the same allowance for single family homes as is allowed for multi-family structures.
- H. Narrow lot/Small Home Reduction. To address the impact on narrow lots and small homes an overall reduction to 7% for the window area is provided for homes with 500 square feet of area facing the street or less. Additional requirements apply for variation in materials trim and articulation.



Narrow Lot/Small House Provisions for Window Area

Window Area Examples

1



E: 12% Windows
P: 17% Windows



E: 16% Windows
P: 16% Windows



E: 11.4% Windows
P: 12.6% Windows



E: 6.6% Windows
P: 6.6% Windows



E: 17.2% Windows
P: 17.2% Windows



E: 13.8% Windows
P: 14.7% Windows

E: Existing System of Measurement

P: Proposed System of Measure

7



E: 13.3 % Windows
P: 15% Windows

8



E: 15.5% Windows
P: 17% Windows

9



E: 12.6% Windows
P: 13.3% Windows

10



E: 9.4% Windows
P: 10.2% Windows

E: Existing System of Measurement

P: Proposed System of Measure

Window Area Examples

11



E: 18% Windows
P: 18% Windows

12



E: 21.5 % Windows
P: 22.3% Windows

13



E: 23 % Windows
P: 25 % Windows

14



E: 16.5% Windows
P: 16.5% Windows

15



E: 22 % Windows
P: 22 % Windows

16



E: 9.8 % Windows
P: 13.3 % Windows

E: Existing System of Measurement

P: Proposed System of Measure

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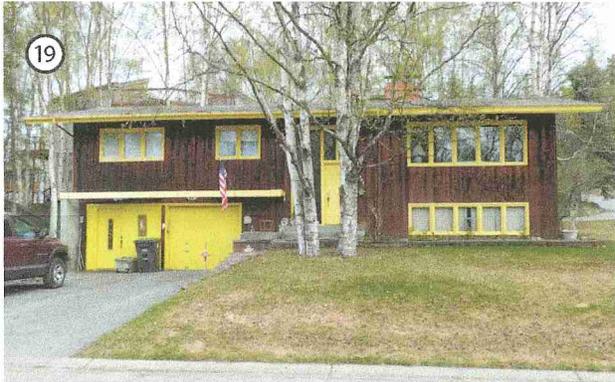
E: 8% Windows
P: 9% Windows

18



E: 11% Windows
P: 11% Windows

19



E: 25.8% Windows
P: 25.8% Windows

20



E: 5.5% Windows
P: 6% Windows

21



E: 17.6% Windows
P: 17.6% Windows

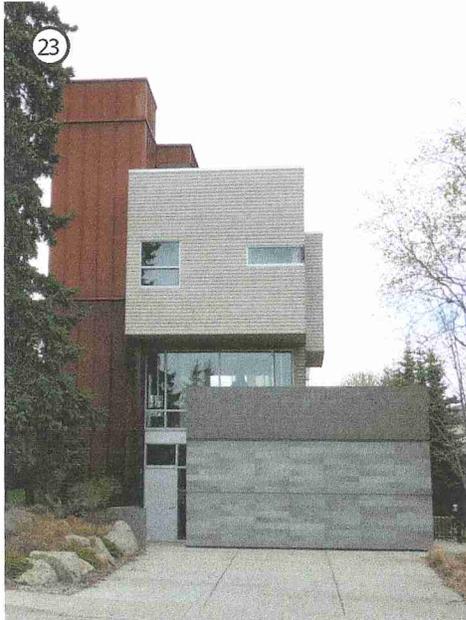
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E: 8.5% Windows
P: 9.1% Windows

E: Existing System of Measurement

P: Proposed System of Measure



E: 11% Windows
P: 11% Windows



E: 27.2% Windows
P: 30% Windows



E: 17% Windows
P: 17% Windows



E: 15% Windows
P: 15% Windows

E: Existing System of Measurement

P: Proposed System of Measure

Submitted by: Chair at the Request of the Mayor
Prepared by: Planning Department
For reading:

ANCHORAGE, ALASKA
AO NO. 2016-XXXX

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE (NEW CODE) SUBSECTION 21.03.210B.5 TITLE 21 TEXT AMENDMENTS, 21.05.010 TABLE OF ALLOWED USES TO ADD DUPLEX AS AN ALLOWED USE IN THE R-4 DISTRICT, 21.05.070 D. 8, ACCESSORY USES AND STRUCTURES, GARAGES, TO ALLOW LARGER GARAGES ON LARGER LOTS, 21.05.070 D. 20 AIRCRAFT HANGAR, PRIVATE RESIDENTIAL, TO ALLOW PRIVATE AIRCRAFT HANGARS AT LEGAL AIRSTRIPS, AND SUBSECTION 21.07.110 C. 3 RESIDENTIAL DESIGN STANDARDS FOR WINDOWS TO ESTABLISH THE MINIMUM AREA REQUIRED AND THE METHOD FOR MEASURING WINDOW AREA TO REDUCE THE IMPACTS OF THE REQUIREMENT ON SMALL HOMES IN PARTICULAR AND TO ESTABLISH A SIMPLIFIED MEANS OF MEASUREMENT.

(PLANNING AND ZONING COMMISSION CASE 2016-0101)

WHEREAS, Section 21.03.210 B.5.c of New Title 21 allows text amendment to be brought to the assembly only two times a year after January 1, 2017; and

WHEREAS, New Title 21 was fully implemented on January 1 of 2016; and

WHEREAS, the need for more frequent modifications has become apparent to address issues as they arise; and

WHEREAS, Section 21.03.210 B.5.d of New Title 21 allows the Director to forward a corrective action to the Assembly without input from the Planning and Zoning Commission in response to conflicting provisions, inconsistencies, or unintended consequences; and

WHEREAS, that provision expires January 1, 2017; and

WHEREAS, such issues cannot be predicted and are likely to arise well after the January 1, 2017 deadline; and

WHEREAS, duplexes were erroneously not included as a permitted use in the R-4 zone on Table 21.05-1; and

WHEREAS, garage sizes under New Title 21 have been reduced from that allowed under Old Title 21; and

WHEREAS, community fabric and appearance are generally not impacted by larger garages on larger lots; and

WHEREAS, a definition and standards existed as a policy for private aircraft hangars under Old Title 21; and

1 **WHEREAS**, new Title 21 failed to codify these requirements; and

2
3 **WHEREAS**, New Title 21 called for windows and primary entrance doors to occupy a
4 minimum of 15% of the wall area of a building elevation facing a street.

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6 **WHEREAS**, this was modified by Assembly Ordinance 2016-34S, which changed the
7 minimum requirement to 10%, but will sunset on December 31, 2016.

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9 **WHEREAS**, a committee of designers and planners, with Assembly representation has
10 worked to identify the issues with requirements for window area and developed a permanent
11 replacement for the code citation above that establishes the minimum desired requirements.

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14 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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17 **Section 1.** Anchorage Municipal Code (new code) section 21.03.210 is hereby amended to
18 read as follows (the remainder of the section is not affected and therefore not set out):

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20 **21.03.210 Title 21 - Text Amendments**

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22 *** **

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24 B. Procedure

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26 *** **

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28 5. Notice and Frequency of Amendments

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31 **[c. Starting on January 1, 2017, text amendments shall be**
32 **considered no more than two times per year. However where**
33 **the assembly determines by a majority vote that the public**
34 **health, safety, or welfare necessitates, text amendments may**
35 **be considered at any regularly scheduled meeting of the**
36 **assembly, provided that the assembly holds a public hearing**
37 **on the proposed amendment and the Planning and Zoning**
38 **Commission holds a public hearing and provides a written**
39 **report and recommendation on the proposed amendment**
40 **prior to the assembly's decision.]**

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42 **[d]c.** If, during the first **[three] five** years after January 1, 2014, the
43 director determines that a technical amendment to title 21 is
44 needed to address conflicting provisions, inconsistencies, or
45 unintended consequences associated with the Title 21 Rewrite
46 Project (2002-2012),the director may forward a corrective
47 amendment to the assembly, which may adopt the amendment
48 without planning and zoning commission review; provided,

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D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures

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8. Garage or Carport, Private Residential

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[iii. In class A improvement areas and in the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50% of the total gross floor area of the principal structure.]

[iv. In Class B improvement areas, except for the R-7 district, all garages or carports accessory to a single residential use, whether attached to our detached from the principal structure, shall cumulatively be no larger than five percent of the total gross floor area of the principal structure.]

iii. In R-1, R-1A, R-2A, and R-2D districts, all garages or carports accessory to a single residential use, whether attached or detached from the principal structure shall cumulatively be no larger than 100% of the total gross floor area of the principal structure for lots smaller than 10,000 square feet, but not to exceed allowable lot coverage. For lots greater than 10,000 square feet, garages or carports may be up to 100 % of total gross floor area of the principal structure or up to 10% of the total lot area, whichever is greater, but shall not exceed maximum allowable lot coverage for the zone.

iv. In the R-2M, R-3, R-4, and R-4A districts all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50% of the total gross floor area of the principal structure.

v. In the R-5, R-6, and R-7 districts, all garages or carports accessory to a single residential use, whether attached or detached from the principal structure shall cumulatively be no larger than 100% of the total gross floor area of the principal structure for lots smaller than 10,000 square feet. For lots greater than 10,000 square feet, garages or carports may be up to 10% of the total lot area, but shall not exceed maximum lot coverage.

vi. In the R-8 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 100% of the total gross floor area of the principal structure.

vii. In the R-9 and R-10 districts, all garages or carports accessory to a single residential use, whether attached or detached from the principal structure shall cumulatively be no larger than 100% of the total gross floor area of the principal structure.

viii. In all residential zones, exterior garage materials, to include siding, trim and windows, shall be similar in character to those of the principal structure.

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8. Aircraft Hangar, Private Residential

a. Definition

A detached accessory structure that is used for the parking and storage of private personal aircraft by residents of the principal structure.

b. Use-Specific Standards

i. Hangars shall comply with all required setback standards.

ii. Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation under subsection D.10, above.

approved

iii. Both the principal use or structure and the accessory use or structure are developed in conjunction with a legally established airstrip.

iv. The gross floor area of the accessory aircraft hangar shall not exceed the gross floor area of the residential structure by a ratio of 2:1.

principal

Section 4. Anchorage Municipal Code (new code) section 21.07.110 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.07.110 Residential design standards.

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c. Standards for Multifamily and Townhouse

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3. Windows facing the street

a. Windows

Windows or primary entrance doors shall be provided on each building elevation facing a street or that has primary entrances to dwellings (up to a maximum of two elevations). At least 10 percent of the wall area of the building elevation shall be windows or primary entrance doors. **[Windows in a garage door do not count towards the minimum area in this section.]** The director may eliminate or reduce the requirement on one elevation (in instances where up to two apply) based on site specific circumstances (such as infill projects where an entry faces an adjacent property rather than the street).

b. **[Exempt Parts of the Building Elevation] Wall Area Calculation**

The area of vertical wall surface measured from finished floor of each level, including garages to top of top plate. In the case of a basement wall, calculate the area of vertical wall surface measured from finished grade to the top of the finished floor above or top of plate, whichever is applicable. Any wall area above the top plate shall not apply, including any gable ends. The façade wall area of stories below grade plane, such as below grade parking, are exempt from the measurement of the wall area. The roof, including eaves, fascia, and vent stacks, is also exempt, as illustrated below.

[c. Flexibility in Window Placement

Up to one-third of the required window and entrance wall area may be transferred to another story or side of the structure, at the applicant's choice. Transferred window/entrance area shall be added to a building elevation that already conforms to the 15 percent minimum requirement.]

[d] c. Energy Efficiency Exception

A reduction in required window area is permitted if demonstrated by calculation by an energy rater certified by the state of Alaska[,] **that installing the required window area will reduce the energy rating below a 5-star energy rating. [THE REDUCTION IS NECESSARY TO ACHIEVE AN UPGRADED ENERGY STAR RATING OF FIVE STAR OR GREATER]**

1 **d. Additions and Renovations**

2 **Only the wall area affected by either an addition or a**
3 **renovation shall be required to comply with the opening**
4 **requirements. Unaffected wall areas need not comply.**
5 **Garage additions are exempt from opening requirements. The**
6 **director may eliminate or reduce the requirement for window**
7 **openings on additions/renovations based on project specific**
8 **circumstances (such as the nature of the spaces being**
9 **added, building orientation, or structural requirements).**

10 *** *** ***

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13 D. Standards for Some Single-Family and Two-Family Residential Structures

14 *** *** ***

15 5. Windows

16 a. Minimum Window Area Requirement

17 Windows and primary entrance door(s) shall occupy a minimum of
18 10 percent of the wall area of a building elevation facing a street
19 or required private common open space (up to a maximum of two
20 elevations). **[Windows in the garage door do not count**
21 **towards the 10 percent requirement.] The director may**
22 **eliminate or reduce the requirement on one elevation (in**
23 **instances where up to two apply) based on site specific**
24 **circumstances, structural requirements for shear, and**
25 **organization of spaces in the home (windows are not**
26 **required in rooms not normally inhabited or in garages).**

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29 [b. Any building elevation with solar orientation shall have at
30 least one window that is a minimum of six square feet.]

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32 **b. Wall Area Calculation**

33 **Wall area calculation shall be in accordance with**
34 **21.07.110C.3.b.**

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38 **d. Narrow Lot/Small Home Reduction**

39 **An overall reduction in required window and primary**
40 **entrance door may be reduced to 7% when the calculated**
41 **wall area is under 500 square feet. Units seeking this**
42 **reduction shall comply with 21.07.110D. 4. c.**

43
44 **e. Additions and Renovations**

45 **Only the wall area affected by either an addition or a**
46 **renovation shall be required to comply with the opening**
47 **requirements. Unaffected wall areas need not comply.**
48 **Garage additions are exempt from opening requirements. The**

director may eliminate or reduce the requirement for window openings on additions/renovations based on project specific circumstances (such as the nature of the spaces being added, building orientation, or structural requirements).

Section 3. This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this ____ day of _____, 2016.

Chair

ATTEST:

Municipal Clerk

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