

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: November 22, 2022

**ANCHORAGE, ALASKA  
AO NO. 2022-107**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE, TITLE 21**  
2 **SECTION 21.05.070, ACCESSORY USES, AND 21.10.050, USE**  
3 **REGULATIONS.**  
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5 (Planning and Zoning Commission Case No. 2022-0090)  
6

7 **WHEREAS**, Goal 4 of the 2040 Land Use Plan (LUP) calls for neighborhoods to  
8 provide a range of places to live and meet the housing needs of residents at all  
9 income levels, household sizes, interests, ages, abilities, and races, and  
10 ethnicities; and

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12 **WHEREAS**, the 2040 LUP encourages 1,000 new Accessory Dwelling Units  
13 (ADUs) in the Bowl by 2040; and

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15 **WHEREAS**, 2040 LUP policy 4.2 allows for and encourages innovative compact  
16 housing types and a variety of housing options that respond to changing  
17 preferences; and

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19 **WHEREAS**, 2040 LUP Action 4-7 states an amendment to Title 21 is needed to  
20 ease restrictions that deter the construction of ADUs; and

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22 **WHEREAS**, building permits since the most recent changes to Accessory Dwelling  
23 Unit zoning regulations in 2018 do not indicate substantial increases in the number  
24 of ADUs produced; and

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26 **WHEREAS**, between 2021 and 2022, the Planning Department has conducted  
27 outreach, hosted a workgroup, and conducted a survey of community councils on  
28 perceived obstacles within the zoning code and developed a proposal to address  
29 needed changes to improve ADU production; now, therefore,

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31 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
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33 **Section 1.** Anchorage Municipal Code 21.05.070 is hereby amended to read as  
34 follows (the remainder of the section is not affected and therefore not set out):  
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36 **21.05.070 Accessory Uses and Structures**  
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38 \*\*\* \*\*

39 D. *Definitions and Use-Specific Standards for Allowed Accessory Uses and*  
40 *Structures.* This section defines the accessory uses listed in table 21.05-3  
41 and also contains use-specific standards that apply to those uses.

1 Accessory uses shall comply with the applicable use-specific standards in  
2 this subsection, in addition to complying with the general standards in  
3 subsection B.

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5 1. *Accessory Dwelling Unit (ADU).*

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7 a. *Definition.* A subordinate dwelling unit added to, created  
8 within, or detached from a detached single-family or two-  
9 family dwelling which provides basic requirements for living,  
10 sleeping, cooking, and sanitation. The unit may have a  
11 separate exterior entrance or an entrance to an internal  
12 common area accessible to the outside.

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14 b. *Use-specific Standards.*

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16 i. *Purpose and Intent.* The purpose and intent of this  
17 section are to:

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19 (A) Fulfill housing policy #15 of Anchorage 2020:  
20 Anchorage Bowl Comprehensive Plan, which  
21 provides that accessory housing units shall be  
22 allowed in certain residential zones;

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24 [(B) PROVIDE A MEANS FOR HOMEOWNERS,  
25 PARTICULARLY THE ELDERLY, SINGLE  
26 PARENTS, AND FAMILIES WITH GROWN  
27 CHILDREN, TO REMAIN IN THEIR HOMES  
28 AND NEIGHBORHOODS, AND OBTAIN  
29 EXTRA INCOME, SECURITY,  
30 COMPANIONSHIP, AND SERVICES;]

31  
32 (B[C]) Allow more efficient and flexible use of existing  
33 housing stock, land supply, and infrastructure;

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35 [(D) RESPOND TO CHANGING FAMILY NEEDS  
36 AND SMALLER HOUSEHOLDS BY  
37 PROVIDING A MIX OF HOUSING;

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39 (E) IMPROVE THE AFFORDABILITY OF  
40 HOMEOWNERSHIP AND ENHANCE  
41 PROPERTY VALUES THROUGH RENTAL  
42 INCOME OPPORTUNITIES;

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44 (F) PROVIDE A BROADER RANGE OF  
45 ACCESSIBLE AND MORE AFFORDABLE  
46 HOUSING WITHIN THE MUNICIPALITY; AND

47  
48 (G) PROTECT NEIGHBORHOOD STABILITY,  
49 PROPERTY VALUES, AND CHARACTER BY

ENSURING THAT ADUS ARE INSTALLED UNDER THE PROVISIONS OF THIS TITLE.]

ii. *Application, Review, and Approval Procedures*

(A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the Development Services Department. The permit shall constitute an ADU permit.

[(B) WITH THE PERMIT APPLICATION, THE LANDOWNER SHALL SUBMIT AN AFFIDAVIT ON A FORM PROVIDED BY THE MUNICIPALITY, AFFIRMING THAT AT LEAST ONE LANDOWNER 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 SECTION. ANY OTHER RESTRICTIONS OR OBLIGATIONS RELATED TO THE ADU USE AND REQUIRED TO BE RECORDED SHALL BE INCLUDED IN THE AFFIDAVIT.

(C) 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.]

[(B)(D)] For purposes of securing financing, potential landowners may request and receive a letter of pre-approval from the municipality indicating the property is eligible for an ADU permit if the potential landowner completes the application process and construction in accordance with this section.

iii. *Requirements.* All ADUs shall meet the following requirements:

[(A) PURPOSE. REQUIREMENTS FOR ACCESSORY DWELLING UNITS ADDRESS THE FOLLOWING PURPOSES:

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- (1) ENSURE THAT ACCESSORY DWELLING UNITS MAINTAIN AND ARE COMPATIBLE WITH THE APPEARANCE AND CHARACTER OF THE PRINCIPAL RESIDENCE, LOT, AND NEIGHBORHOOD;
- (2) ENSURE THAT ACCESSORY DWELLING UNITS ARE SMALLER IN SIZE THAN THE PRINCIPAL DWELLING ON THE LOT, AND PRESERVE UNDERLYING LOT COVERAGE LIMITS;
- (3) MINIMIZE NEGATIVE IMPACTS TO ON-STREET PARKING IF ALLOWED BY THE TRAFFIC ENGINEER, AND MINIMIZE THE AMOUNT OF PAVED SURFACE ON A SITE; AND
- (4) PROVIDE CLEAR AND FLEXIBLE STANDARDS THAT MAKE IT PRACTICAL AND ECONOMICAL TO DEVELOP ACCESSORY DWELLING UNITS THAT ARE IN COMPLIANCE WITH THIS CODE.]

(A[B]) *Allowed Zoning Districts.* ADUs are allowed in all residential zoning districts.

(B[C]) *Requirements for Developing an ADU.*

- (1) *One Principal Structure.* 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]dwelling or two-family dwelling on a lot, tract, or parcel.
- (2) *Detached ADU.* One ADU detached from a single-family or two-family dwelling is permitted on a lot, tract, or parcel in all residential zoning districts.

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(3) *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.

(4) [USES. THE LANDOWNER SHALL RESIDE IN EITHER THE PRINCIPAL DWELLING UNIT OR THE ADU AS HIS OR HER PRIMARY RESIDENCE FOR MORE THAN SIX MONTHS OF EACH YEAR.] Building Code Requirements. All ADUs shall be built to the adopted municipal building code standards.

(5) Size. ADUs shall be subordinate in size to the primary structure on the lot. The gross floor area of the ADU, not including any related garage, shall be up to 900 square feet or 40 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.

[(A) IN CLASS A DISTRICTS, THE GROSS FLOOR AREA OF THE ADU, NOT INCLUDING ANY RELATED GARAGE, SHALL BE NO GREATER THAN 900 SQUARE FEET OR 75 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL DWELLING UNIT (EXCLUDING THE ADU AND GARAGES), WHICHEVER IS LESS.

(B) IN CLASS B DISTRICTS, THE GROSS FLOOR AREA OF THE ADU, NOT INCLUDING ANY RELATED GARAGE, SHALL BE NO GREATER THAN 900 SQUARE FEET OR 35 PERCENT OF THE TOTAL GROSS FLOOR AREA OF THE PRINCIPAL DWELLING UNIT (EXCLUDING THE ADU AND

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GARAGES), WHICHEVER IS GREATER.

(C) THE ADU SHALL HAVE NO MORE THAN TWO BEDROOMS.]

(6) *Setbacks.* [AN ADU SHALL NOT ENCROACH INTO ANY REQUIRED SETBACK, EXCEPT THAT ]ADUs are subject to the same setbacks of the underlying zone except that an [A]n ADU may encroach into the side or rear setback abutting an alley.[ DETACHED ACCESSORY UNITS TALLER THAN 15 FEET SHALL ADHERE TO A 10-FOOT SIDE SETBACK ABUTTING A NEIGHBORING R-1 OR R-1A LOT.]

[(7) PARKING. ONE 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. THE ADDITIONAL PARKING SPACE REQUIRED FOR THE ADU MAY BE ON THE PARENT LOT OR ON-STREET WHEN APPROVED BY THE MUNICIPAL TRAFFIC ENGINEER AS PROVIDED IN SUBSECTION 21.07.090F.19. NOTWITHSTANDING THE PROVISIONS OF CHAPTER 21.13, NONCONFORMITIES, ALL OFF-STREET PARKING DEFICIENCIES SHALL BE CORRECTED. EXCEPTIONS:

(A) NO ADDITIONAL PARKING SHALL BE REQUIRED FOR THE ACCESSORY DWELLING UNIT IF THE LANDOWNER OF THE REAL PROPERTY EXECUTES A COVENANT, INCLUDED AS A PROVISION IN THE AFFIDAVIT REQUIRED FOR THE ADU PERMIT ON A FORM PROVIDED

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BY THE MUNICIPALITY, THAT PROHIBITS THE PERSON OCCUPYING AND RESIDING IN THE ADU FROM OWNING, LEASING, OR HAVING A RIGHT TO USE A MOTOR VEHICLE; EXCEPT THE PERSON MAY OWN OR LEASE A MOTOR VEHICLE THAT IS NOT INTENDED FOR USE BY THE PERSON OCCUPYING AND RESIDING IN THE ADU AND NOT REGULARLY PARKED AT THE SITE. THE COVENANT SHALL INCLUDE AN AGREEMENT BY THE LANDOWNER TO REQUIRE ANY LEASE, RENTAL AGREEMENT, OR OTHER ARRANGEMENTS WITH THE TENANT OF THE ADU TO INCLUDE THE PROHIBITION, WITH THE RIGHT OF EVICTION IF THE SUCH PERSON ACQUIRES ONE. FOR PURPOSES OF THIS SECTION, A "MOTOR VEHICLE" IS A SELF-PROPELLED VEHICLE DESIGNED TO TRAVEL ON THREE OR MORE WHEELS IN CONTACT WITH THE GROUND.

(8) DESIGN AND APPEARANCE.

(A) 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 NON-STREET-FACING SIDES OF THE PRINCIPAL STRUCTURE. DETACHED ADUS ARE

EXEMPT FROM THIS STANDARD.]

(Z[9]) *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.

[(D) ADDITIONAL REQUIREMENTS FOR DETACHED ADUS

(1) THE ADU SHALL, ON ALL STREET FRONTAGES, EITHER HAVE A FRONT SETBACK OF AT LEAST 40 FEET OR BE AT LEAST 10 FEET BEHIND THE STREET-FACING FAÇADE OF THE PRINCIPAL DWELLING UNIT.

(2) THE MAXIMUM HEIGHT OF A DETACHED ADU SHALL BE 25 FEET.]

(C) *Height.* ADUs shall be subject to the same height limits as the principal structure on the lot.

(D[E]) *Density.* ADUs are not included in the density calculations for a site.

(E[F]) *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 ALL REQUIRED PARKING SPACES;

(3) A LANDOWNER OF THE PROPERTY DOES NOT RESIDE IN EITHER THE PRINCIPAL OR THE ACCESSORY DWELLING UNIT; OR]

(2[4]) The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality.



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2 [(G) [TRANSFER. WHEN A PROPERTY WITH AN  
3 ADU IS SOLD OR OTHERWISE  
4 TRANSFERRED, THE NEW LANDOWNER  
5 SHALL FILE AN AFFIDAVIT OF OWNER-  
6 OCCUPANCY WITH THE DEPARTMENT  
7 WITHIN 30 DAYS OF THE TRANSFER, AND  
8 PAY A PROCESSING FEE. FAILURE TO FILE  
9 AN AFFIDAVIT BY THE DUE DATE  
10 CONSTITUTES A FAILURE TO HAVE A  
11 PERMIT, IN VIOLATION OF THIS SECTION.  
12 TRANSFERS FROM ONE LANDOWNER TO  
13 ANOTHER LANDOWNER DO NOT REQUIRE  
14 A NEW AFFIDAVIT SO LONG AS THE  
15 RECIPIENT LANDOWNER SIGNED THE  
16 ORIGINAL AFFIDAVIT.]

17  
18 (E[H]) *Prior Illegal Use.*

19  
20 (1) All structures which meet the definition of  
21 accessory dwelling unit which are not  
22 recognized as legal nonconforming  
23 structures or uses of structures under  
24 chapter 21.13 shall comply with this  
25 subsection. Such structures may  
26 continue in existence provided the  
27 following requirements are met:

28  
29 (a) A permit application for an ADU is  
30 submitted to the building safety  
31 division within six months of the  
32 effective date of this ordinance.

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34 (b) The unit complies with the  
35 requirements of this section.

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37 (2) If the unit does not comply with the  
38 requirements of this section at the time  
39 the permit application is filed, the building  
40 official may grant six months to bring the  
41 unit into conformance.

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43 (3) In addition to any other remedies  
44 provided in this code, failure to legalize  
45 an existing unit under this subsection  
46 shall result in civil penalties as provided  
47 in AMC section 14.60.030. [ALL  
48 LANDOWNERS OF ILLEGAL UNITS  
49 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 chapter 21.13.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 4, 1-12-15; AO No. 2015-142(S-1), § 5(Exh. C), 6-21-16; AO No. 2016-3(S), § 10, 2-23-16; AO No. 2016-136, § 3, 11-15-16; AO No. 2017-10, § 1, 1-24-17; AO No. 2017-160, § 2, 12-19-17; AO No. 2017-176, § 5, 1-9-18; AO No. 2018-43(S), §§ 1(Exh. B), 2, 6-12-18; AO No. 2020-38, § 6, 5-28-20; AO No. 2021-26, § 1, 3-9-21; AO No. 2021-89(S), §§ 3—8, 21, 2-15-22)

**Section 2.** Anchorage Municipal Code 21.10.050 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

**21.10.050 USE REGULATIONS**

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**H. Accessory Uses and Use-Specific Standards.**

Except for those uses listed below, see section 21.05.070. For those uses listed below, the use-specific standards or applicable portions of such standards of this chapter shall apply instead of the use-specific standards of chapter 21.05.

**1. Accessory Dwelling Unit (ADU).**

a. Size. The gross floor area of an ADU, not including any related garage, shall be up to 1,000 square feet or 40% of the total gross floor area of the principal dwelling unit, whichever is larger.

[I. DETACHED ADUS ON LOTS OF ONE ACRE OR MORE SHALL HAVE A MAXIMUM GROSS FLOOR AREA OF 1,000 SQUARE FEET. (AMENDS SUBSECTION 21.05.070D.1.B.III.(C).(6).(A).)]

II. NOTWITHSTANDING SUBSECTION 1.A. ABOVE, THE GROSS FLOOR AREA OF AN ADU (EXCLUDING A GARAGE) SHALL NOT EXCEED 40 PERCENT OF THE GROSS FLOOR AREA OF THE PRINCIPAL DWELLING (EXCLUDING ANY GARAGE). (REPLACES SUBSECTION 21.05.070D.1.B.III.(C).(6).(B).)]

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2013-139, § 2, 1-28-14; AO No. 2014-40(S), §§ 2(Att. A), 3, 4, 5-20-14; AO No. 2014-58, § 4(Att. C), 5-20-14; AO No. 2015-133(S), § 5, 2-23-16; AO No. 2015-142(S-1), §§ 8, 9, 6-21-16; AO No. 2016-3(S), §§ 15—17, 2-23-16; AO No. 2016-54, § 1, 6-7-16; AO No. 2016-136, § 4, 11-15-16; AO No. 2017-10, § 2, 1-24-17; AO No. 2017-57, § 2, 4-1-17; AO No. 2017-160, § 6, 12-19-17; AO No. 2019-11, § 5, 2-12-19; AO No. 2021-89(S), § 17, 2-15-22)

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

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair of the Assembly

ATTEST:

\_\_\_\_\_  
Municipal Clerk

(Planning and Zoning Commission Case No. 2022-0090)

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