

Anchorage Citizens Coalition
Title 21 Rewrite Project
Questions, as of 3/1/04:

1. Re: Deleted zones ~ R-7 in Chugiak/Eagle River is a problem because there are existing properties in this zone. Will they go to R-6 or R-9???
In most cases, R-7 properties will rezone to R-1.
2. 21.04.030 Commercial Districts. Page 6, lines 14-15: Restricting New Strip development needs to be clarified. What type of development is intended to replace it?
Strip commercial development encourages greater reliance on just the automobile for transportation, which in turn increases traffic congestion and air pollution. Instead of allowing strip commercial development to line the major roads, the Comprehensive Plan encourages commercial development to take place in more dense, focused, pedestrian-friendly areas, like proposed Town or Neighborhood Centers. This creates an environment that encourages a variety of transportation options, rather than requiring residents to own and drive an automobile. Focused, walkable commercial centers provide more opportunities for transportation choices, thus lessening traffic congestion and air pollution.
3. Table 21.05: Kiosks and others in mixed Use: “P” or “S” seems arbitrary – need justification and clarification.
In general, staff supports requiring an administrative site plan review when the design and layout of the use in a certain district will have a significant impact on the aesthetics and efficiency of the land use. The success of the new mixed use districts will partially rest on their design and layout—for this reason, many more of the uses in the mixed use districts require a site plan review. However, the use table is a work in progress and will continue to be modified throughout the rewrite process.
4. Table 21.05: Schools require “M” and churches require just an “S”. Some schools are run out of churches. Have ‘schools’ in Religious Assemblies/churches been addressed?
A school in a place of worship would be considered a second primary use on the site and would need to go through the approval process for the type of school.
5. 21.05.030, page 19, line 11 #3: Dwelling, single family attached. Is this a site condo? If not, where are site condos specified?
Dwelling, Single-Family Attached is a zero lot-line house. The proposed new code does not allow site condos, in that detached single family homes are not allowed in the R-4, which is the only residential zoning district with no limits on the number of principal structures allowed on one lot (see Chapter 21.06, pages 2-6).
6. 21.05.030, page 24, line 26 x Fuel tanks: Deals with fuel tanks in mobile home parks. Where are specifications for fuel tanks such as metallic or nonmetallic, double wall requirements, etc?
Fuel tanks under 100 gallons are unregulated. Tanks over 100 gallons are regulated by the State Department of Environmental Conservation (DEC).

7. 21.05.040 page 51, d.i. : If applicant has supplied detailed technical info about antenna, why should applicant pay for third party technical study?
A third party technical study may be required in case of a dispute. Since the applicant will be the party that monetarily benefits from an approved application, they should have to pay for any objective studies needed.
8. 21.05.040 page 32 v.: Why is screening and buffering specifically required for an Adult Care facility?
As with many other types of uses, screening and buffering is required to minimize impacts of this use upon neighboring properties. The Planning Department is currently working with stakeholders to revise the Assisted Living regulations—the regulations proposed in this draft may change.
9. 21.05.050 page 56 (?) lines 7-45: Does this include restaurants that may have live music during dinner 1x or 2x per week?
No. An establishment whose primary function is as a restaurant would come under that category, even if it provides live music occasionally, while the primary function of both licensed and unlicensed nightclubs revolves around providing entertainment through music and dancing (I'm paraphrasing).
10. 21.05 page 37, line 5 #4: Should museum or cultural center be a separate category?
In the staff and consultants' opinion, the land use impacts of a museum/cultural center were different enough from the land use impact of other types of uses to warrant its own use classification.
11. 21.05.040, page 48, 1a, lines 4-10: What does “antennas two meters or less in diameter mean? What is or isn't included and why?
While we do plan to ask the consultants for a definition of “antenna”, the quoted section refers to small satellite dishes (and the “two meters” ought to be “one meter”). The exemption for this type of antenna is required by the Federal Communications Commission (FCC).
12. 21.05.050 page 56 line 24 4bi: What is the quantitative measure that defines unreasonable?
“Unreasonable” is not defined at this point. Any suggestions?
13. 21.05.050 page 56 line 4. Are Outdoor movies prohibited now?
Drive-in movie theaters are included in “General Outdoor Recreation, Commercial”, on page 58. In our current code, Drive-In Theaters are an allowed use in some districts.
14. 21.05.050 page 54 line 1: Under kennel definition, are facilities that have kennel licenses, but do not board, included?
Staff is working on revisions to the various animal regulations in the proposed code after receiving a great deal of feedback on this issue.
15. 21.05.050 page 54 line 11: If you have less than 4 horses, what are you?

According to this draft, you are unregulated by Title 21. Zoning staff and an ad hoc advisory committee are working on an equestrian ordinance that will come before the Planning and Zoning Commission in April. Contact Jerry Weaver for more information on this ordinance, at 343-7939.

16. 21.05.050 page 56 line 21: Why have 25' or 50' minimum setback if adjacent to public ROW in non-industrial zoning district? What happens if a nightclub is placed on the second floor of a mixed use building?

The setbacks are to lessen impacts on properties across the public ROW from the nightclub. A nightclub on any floor of a building would still have to comply with the setback requirements.

17. 21.05.050 page 54 line 11-20 Paddock or stable: Does this mean commercial (paid boarding and/or riding stable) only? Add wording to differentiate it from accessory use. *It is meant to be commercial only, as it is in the Commercial Uses section. Staff is working on revisions to the various animal regulations in the proposed code after receiving a great deal of feedback on this issue.*

18. 21.05.050 page 64-66 line 3: Retail: Where are the standards for parking, lots, lights (and shielding), screening, etc? (Lighting and shielding for Gas stations is in 21.05, page 67, lines 28-32).

General standards for parking lots, lighting, landscaping, etc. will be in Module 3.

19. 21.05.050 page 60, lines 13-21: Skiing facility: It is good to deep these only in low-density zones. They create a nuisance in neighborhoods because of bright lights and snow-making (noise, mist). Why isn't a major site plan required in Table 1, page 10? *In all cases, a conditional use permit is required, which is a more rigorous review procedure than a Major Site Plan Review.*

20. 21.04.020 Residential Districts: R1, 2, 4, 5, 6, 9, 10 all lack specific standards. Will specific standards be developed for these zones as they have been for R3? *No district-specific standards are planned for the above-mentioned districts, but Module 3 will include some general standards that will apply to all residential zones. Do you have any standards to suggest for the various residential zones?*

21. 21.04.020 D 2 a page 4, line 3-16: Clarify: does (i) also apply to (ii) and (iii)? Or does (i) only apply to new development, whereas (ii) and (iii) only apply to existing development?

All three subsections apply only to new development. However, we are leaning towards deleting this requirement.

22. 21.04.020 (F) and (G): How is R6 different than R5? (R5 talks about being for "Suburban residential purposes" but R6 is called Suburban Residential District)?? *The main difference between R-5 and R-6 is that R-5 allows mobile homes and R-6 does not.*

23. 21.04.020 (I) 1c: Why avoid land with geological hazard areas in a zone that has the purpose of allowing use in a geol hazardous area but with unique and creative design for development?

The term “geologic hazards” can refer to many different issues: earthquakes, avalanches, steep and/or unstable slopes, mud slides, high winds, etc... Not all of these hazards make an area unsuitable for development; some of them “require unique and creative design” such as high winds or steep slopes. Other hazard areas, such as avalanche zones, should be avoided completely “to minimize the possibility of loss of life and property damage”.

24. 21.04.020 page 4 R-6 District, Line 33 footnote: Why “eliminate need for dedicated rights of way”?? Please explain.

Current regulations for R-6 (21.40.080) require a minimum lot area of 54,450 square feet (one and one-quarter acres) for a single family home. However, this minimum area includes both the actual acreage of the lot and one-half the area of abutting dedicated rights-of-way. Basically, you get to count half the street in your minimum lot area. This method is also used for the R-8 and R-9 zones. It is confusing and difficult to calculate. The proposed regulations eliminate counting half the abutting right-of-way as minimum lot area, but also lower the required lot size. This change allows the staff to calculate all lots in all zoning districts in the same way—by looking at their net area.

25. 21.04.030 page 9 line 27. Marine Commercial Districts....Is the AKRR bound by zoning regulations for their property? What about the airport?

Three 1991 legal opinions from the Municipal Attorney opine that the AKRR is exempt from Municipal zoning requirements for governmental uses, but subject to the requirements for proprietary projects (leases, etc...). It is the Municipality’s opinion that the Ted Stevens Anchorage International Airport is subject to Municipal zoning regulations. The Airport disputes this.

26. 21.04.030 (F), GC District, line 11 &12: Imply no businesses allowed that export goods out (i.e., don’t provide them to residents of the community). Is this accurate?

If a business is primarily exporting goods and is not involved in retail sales to the community, then it would most likely be classified as a warehouse, which is more appropriate for industrial areas.

27. 21.05.030 (A)(8): There are several pages of info on Mobile Home Parks. Why is there not a similar level of detail for the other use categories?

The regulations for mobile home parks are carried forward from our existing regulations. The number of mobile home parks grew in leaps and bounds in the 50’s and early 60’s. The first zoning in regards to these parks occurred in the City of Anchorage in 1958, where they were allowed by special exception only. By 1965 both the City and the Greater Anchorage Area Borough had begun to place numerous restrictions on them. My guess is the rationale for this was based on:

· There were approximately twice the number of parks then as there is now – there are currently 61;

· Without any real standards in place there were serious issues regarding water, sewer, separation, electrical, fuel oil, junk & trash – basically life safety and quality of life issues that the park owners were not addressing on their own.

There have been no new mobile home parks since the early 70s.

28. 21.04.030 Footnote 12 on page 8: Why is this Title 21 Rewrite not the best forum/process in which to do a more comprehensive revision to downtown zoning? Why do we need to split the latter out?

During the scoping process for the Title 21 rewrite project, problems were identified with the downtown districts. On page 46 of their Diagnosis, Clarion states, “we propose that only targeted modifications be made to Anchorage’s downtown zoning at this time. ... In the long term, we recommend that a separate advisory committee/working group be formed to oversee a comprehensive review and revisions to the downtown zoning. It is not uncommon for such processes in other communities to take one to two years. The time typically is worth it, however, since it can help ensure buy-in from all interested parties, both public and private.” Staff concurs with Clarion that a comprehensive revision to downtown zoning is too big of a project to wrap into this rewrite and should be a stand-alone project so that it gets the focus and attention that it deserves.

29. 21.04.040 (B) 2a: Define what a floor area ratio is, please.

Floor Area Ratio (FAR) is the total (gross) floor area of all buildings or structures on a lot divided by the total lot area. “The floor area ration was developed as a more refined and adaptable measure of intensity than building coverage. It expresses in one measure, instead of several, the mathematical relation between volume of building and unit of land.” (Commentary from A Glossary of Zoning, Development, and Planning Terms, edited by Davidson and Dolnick)

30. Table 21.04-2; Why allow 25K feet for a grocery or food store in an area focused on convenience businesses? Should be smaller??

A 25K grocery store is not very large for a neighborhood store. City Market at I St. is 16,304 square feet. The new Carrs in the Abbott area is 73,500 square feet.

31. 21.04.030 Table 21.04-2: Please explain how you arrived at 3000 square feet maximum for financial institutions. We are concerned that these numbers are arbitrary.

We recognize that banks are a necessity in a variety of zoning districts, but the multi-story administrative headquarters of financial institutions should be in the major employment centers. Thus the size limit on financial institutions will allow for branch banks in a variety of zones, but prevent the headquarters building from being in an inappropriate place.

32. 21.05.040 iii page 43, line 27: Could this be altered to allow landscaping within the burial area and a more visually pleasing area?(i.e., more interior landscaping and less screening)? How would more interior landscaping affect the plot density?

Staff did not ask the consultants to revise our existing cemetery standards because we do not anticipate the creation of any new cemeteries—the two existing cemeteries are sufficient for the foreseeable future. More interior landscaping would obviously decrease burial plot

density, which would lead to a slightly less efficient use of land, but could be an appropriate trade-off for a more visually pleasing area. As it is unlikely that the Municipality will create another cemetery, the interior design of any new private cemeteries will be left up to the land owner.

33. 21.05.040 page 31, line 15 and 27: Why are there so many instances where an individual or group can deviate from Title 21? (We are concerned that there may be too many instances where an individual or group may deviate).

This is the wording in the current code. It allows the Planning Commission reduce the lot size if it is justified. A facility in a suburban setting may be able to match the listed minimum, but a facility located in the CBD could not. This provision allows the Commission to adjust for the CBD location.

34. 21.05.040 page 32 line 34: Why does the code require only a one time health authority certificate? Does this protect the public health?

The one-time permit establishes that the on-site well and wastewater system are located properly on the property. Since these items don't move the one time permit satisfies the health issue. On going wastewater issues are Title 15 issues.

35. 21.05.040 page 32 line 40-44: Does this require broad public notice/process before permitting?

No. The public notice and process happens if the facility needs a conditional use permit or a site plan review. The permit referenced on page 32 is an administrative permit used for tracking and insuring compliance with the regulations.

36. 21.05.040 page 32 line 8: Why would the Planning Director determine variations to the maximum lot coverage and the P&Z commission determine minimum lot sizes? Should one entity have the authority to do that? Where is the public process?

In the referenced section, the Planning Director cannot vary the maximum lot coverage, which regulates the amount of the lot covered by buildings. This regulation requires that 25 percent of the lot be vegetated area (that is, not driveway or parking area or sidewalk), but the Planning Director can reduce that percentage if "retention of less than 25 percent of the lot as open area, etc., will allow for sufficient buffering of adjacent uses."

37. 21.05.040 page 45: Is it appropriate for Title 21 to regulate the runoff from the airport? Drainage is a development issue. It certain instances Title 21 does deal with drainage. Since airport runoff will end up in the Municipality's lake, streams or storm sewers it is reasonable that we may regulate it.

38. 21.05.040 page 45: Where does the airport put its plowed/removed snow?

All Airports within the Municipality have master plans which address snow removal issues.

39. 21.05.040 page 51, line 12: What about interference with phones and other electrical equipment?

I don't know—will pass this question on to the consultants.

40. 21.05.040 page 51, line 20: What about output and interference levels? Was this missed?

I don't know—will pass this question on to the consultants.

41. 21.05.050 page 53, line 26 and line 34: What is an unreasonable noise and unreasonable odor?

Staff is working on revisions to the various animal regulations in the proposed code after receiving a great deal of feedback on this issue. Animal noise will be regulated solely by Title 17.

42. 21.05.050 page 54. line 35-39: Is a Civic/convention Center owned by “associations, corporations, or other persons?” Isn't it owned by the Municipality? We may recommend revising to be less restrictive....

The ownership statements are in the description of the use category, which is “Assembly”. It is true that some types of Assembly uses, such as convention center, can be owned by the Municipality. We will revise the use category language to ensure there is no conflict.

43. 21.05.050 page 64, line 18: How did you determine 5000 square feet maximum for a convenience store?

We consulted other city ordinances and found it was a reasonable size. Many of the Mapcos around town are 5,400 square feet.

44. 21.05.050 page 65, line 30 Is that one store at 5000 feet or all stores total 5000 square feet? Where are strip malls in the code?

The definition of General retail, Medium means one or more building that when you add up all the space in all the buildings it is between 5,000 sq ft and 25,000 sq ft. The same area range would apply if it is only one building.

45. 21.05.050 page 68, line 17: Why limited to petroleum and auto related equipment only? What about sand? Why is this in there??

The land use is a gas station. The products offered should be auto related. If the sand is marketed for mortar then it is not auto related. If the sand is for use as a traction device then it may be allowed as auto related. If the gas station is not limited to auto related uses it is no longer a gas station, but some other kind of retail store and that may make a difference as to what zone it is allowed.

46. 21.05.060 page 72: What is the difference between a rooming house and an inn?

A roominghouse is for longer-term living by residents of the community. It has no public space. An inn is for short term accommodations for visitors and includes some public space.

47. Where is the definition of Adult Day Service? Is this a substitute for Adult Care? (We need definitions for both day care and 24 our care).

On page 32, “adult day service” means the same as “adult care”. The Planning Department is currently working with stakeholders to revise the Assisted Living regulations—the regulations proposed in this draft may change.