

Attachment B

Amendments to Chapter 5 Upon Which the Assembly Committee and the Planning Department Agree

July 29, 2008

Page numbers refer to Public Hearing Draft dated August 5, 2007

1. Page 23, Section 21.05.030A.8.b., lines 31-32

“[NO VARIANCES SHALL BE GRANTED FROM THE STANDARDS AND PROVISIONS OF THIS SECTION.]”

2. Page 24, Section 21.05.030A.8.b.vii.(A)., lines 41-42

“All streets shall be surfaced with all-weather materials, such as asphalt[,] or concrete, to a minimum surface width of 33 [34] feet.”

3. Page 25, Section 21.05.030A.8.b.ix.(A)., lines 43-45

“L4 screening landscaping shall be planted along each boundary of the MHC, except for vehicular and pedestrian ingress and egress points. Where two MHCs share a common lot line, the L4 screening landscaping shall be split, with 15 feet (of the total 30 foot requirement) on each lot. Along MHC lot lines abutting a dedicated park, the landscaping requirement shall be halved.”

4. Page 26, Section 21.05.030A.8.x.(A), lines 8-17

“[ADDITIONS OR OTHER ACCESSORY BUILDINGS OR STRUCTURES SHALL NOT EXCEED 120 SQUARE FEET GROSS FLOOR AREA. ADDITIONS AND ACCESSORY BUILDINGS SHALL NOT EXCEED THE HEIGHT OF THE MOBILE HOME OR MANUFACTURED HOME BY MORE THAN 12 INCHES.] All additions and accessory buildings shall be subject to the spacing and setback requirements for mobile homes and manufactured homes. Any addition or accessory building shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.

(B) *Height*

The height of accessory buildings is limited to that of the underlying zoning district. In the case of districts where the height is unrestricted, the maximum height of accessory structures shall be 12 feet. The height of additions to mobile homes or manufactured homes is limited to that of the underlying zoning district. The use of any area created above the original roof line of the mobile home or manufactured home as living space is prohibited.

(C) *Exits...*”

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5. Page 26, Section 21.05.030A.8.b.xiv., line 46

“[THE] O[O]utdoor keeping of animals other than dogs in MHCs shall be regulated by subsection 21.05.070D.14., except that “spaces” within MHCs shall be considered “lots” for the purposes of applying subsection 21.05.070D.14. [IS PROHIBITED.]””

6. Page 27, Section 21.05.030A.8.b.xv., lines 2-5

“Convenience establishments of a commercial nature, including stores, coin-operated laundry [AND DRY CLEANING ESTABLISHMENTS AND LAUNDRY AND DRY CLEANING AGENCIES], beauty shops and barbershops, may be permitted in MHCs subject to the following restrictions.”

7. Page 27, Section 21.05.030A.8.b.xvi., lines 16-18

“xvi. *Sites in Flood Hazard Area [OVERLAY DISTRICT]*
The following requirements shall apply to a[A]ll MHCs, any portion of which [ALL OR A PORTION] are within a flood hazard area [THE FLOOD HAZARD OVERLAY DISTRICT SHALL MEET THE FOLLOWING REQUIREMENTS]:”

8. Page 29, Section 21.05.030B.2.b.i., lines 8-27

“(A) No new correctional community residential center may be located within 1,250 feet [ONE MILE] of an existing center, a public park, or a school or instructional service serving any combination of grades kindergarten through 12, [OR WITHIN 500 FEET OF AN EXISTING ACADEMIC SCHOOL OR PUBLIC PARK.] unless the planning and zoning commission determines that a reduction in separation distance is warranted based upon the program proposed and any other circumstances the commission deems appropriate. If the commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based.

...

(G) CCRCs shall not house sex offenders.”

9. Page 30, Section 21.05.030B.4.b.ii.(C)., lines 22-23

“In the R-2F, R-2M, R-5, R-6, R-7, R-8, and R-9 zoning districts, t[T]he number of guestrooms shall be limited to eight [8] guestrooms or 12 pillows.””

10. Page 30, Section 21.05.030B.5.a., lines 34-35

“A facility providing temporary housing with services to assist homeless persons and families and persons with special needs to prepare for and obtain permanent housing...”

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11. Page 32, Section 21.05.040A.3.f., lines 14-17

“Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have [FLAT OR CONCAVE GROUND SURFACE WITH] positive drainage away from structures and pavements.”

12. Page 35, Section 21.05.040B.2.b., lines 8-14

“Licensed c[C]hild care homes are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development..

ii. Usable Outdoor Space

Licensed c[C]hild care homes shall provide usable outdoor space as required by section 16.55.450.”

13. Page 37, Section 21.05.040C.3.b., lines 12-14

“i. All facilities shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that, to the maximum extent feasible, no noise or odor can be detected off-premises.

ii. Crematoria shall be located at least 200 feet from any residential use or zoning district.”

Note: DHHS concurs with this amendment.

14. Page 39, Section 21.05.040E.2., after line 35

b. Use-Specific Standards

In accordance with section 21.03.110, colleges or universities with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2 for projects developed under the auspices of the approved institutional master plan.”

15. Page 41, Section 21.05.040E.6.b.i., lines 34-35

“[i. IN THE DT DISTRICTS, VOCATIONAL OR TRADE SCHOOLS SHALL BE PROHIBITED AT THE GROUND LEVEL.]”

16. Page 42, Section 21.05.040F.2.b., line 19

i. Minimum Lot Size

Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a hospital/heath care facility shall be as follows:

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(A) Six to 10 beds: 21,780 square feet.

(B) Eleven to 20 beds: 43,560 square feet

(C) Every 10 beds (or fraction thereof) over 20 beds: 21,780 square feet

ii. *Vegetated Open Space*

A minimum of 15 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area, or usable yard, to exclude buildings, driveways, parking areas, sidewalks, etc., unless the director determines that retention of less than 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

iii. *Landscaping Buffer*

L3 buffer landscaping shall be provided along all lot lines adjacent to a residential use or district.

iv. *Institutional Master Plan*

In accordance with section 21.03.110, hospitals with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2 for projects developed under the auspices of the approved institutional master plan.”

17. Page 54, Section 21.05.050, lines 28-29

“The uses may either be commercial or have [ATTRIBUTES OR] impacts common to commercial uses.”

18. Page 55, Section 21.05.050B.1.a., lines 9-12

“A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public or nonprofit organization devoted to the welfare, protection, and humane treatment of animals. This term shall not include residences where animals are fostered while awaiting adoption.”

19. Page 65, Section 21.05.050G.4.b., line 26

“In mixed-use districts, a[A]ll maintenance, display, and storage of equipment shall be conducted within an enclosed building, or within an area located in the rear of the building and screened by a sight-obscuring fence at least six feet in height.”

20. Page 65, Section 21.05.050H.2.a., lines 36-37

“An establishment primarily engaged in the sale, distribution, and associated storage[, DISTRIBUTION, AND SALE] of lumber and other building materials...”

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21. Page 68, Section 21.05.050I.5.b., lines 2-3

“This use may include the uses “vehicle service and repair, major” and “vehicle service and repair, minor”, and repair of the vehicle inventory with a gross vehicular weight rating over 12,000 lbs, in accordance with subsection b.ii. below, is also allowed.”

22. Page 70, Section 21.05.050J.4.b.ii.-b.iii., lines 8-12

“ii. Establishments [HOTELS] in mixed-use districts shall have all [MAJORITY OF] their guestrooms accessible by means of interior corridors.

iii. Establishments whose rooms are individually accessible from the outdoors shall have frontage on a major arterial or street of greater classification.

iv. In the R-4 district, hotels shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.”

23. Page 70, Section 21.05.050J.5.a., lines 15-18

“A building or group of buildings containing between six and 19 guest rooms, or up to 60 pillows, for overnight lodging for compensation, where at least one meal per day may be [IS] provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities.”

24. Page 71, Section 21.05.060A.5.a., lines 33-37

“An establishment engaged in the display, sale, leasing, or rental of construction equipment and other heavy equipment, including all heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). This category does not include recreational vehicles or larger trucks that typically are sold at automobile dealerships; such vehicles are covered by “vehicle-large, sales and rental” above.”

25. Page 72, Section 21.05.060B.1.b.ii., lines 37-40

“(A) The outdoor storage of materials related to the production and sale of cottage crafts is prohibited in non-industrially-zoned districts.

“(B) The use of equipment, materials, or processes that create hazards, noise, vibration, glare, fumes, or odors detectable to the normal senses off-site is prohibited.”

26. Page 73, Section 21.05.060B.5.b.i.(C), line 41

“(C) *Use and Handling of Explosives*
In addition to the requirements of the fire code, the following shall govern the storage, handling, and use of explosive materials:

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- (1) In addition to the submittal requirements for a conditional use approval, a blasting plan and a safety plan shall be submitted.
- (2) Blasting shall be conducted during daylight hours within the operating hours established by the planning and zoning commission.
- (3) The handling and firing of explosives shall be performed only by the individual possessing a valid Explosives Certificate issued by the Fire Marshal.
- (4) Whenever a new storage or magazine site is established the Anchorage Police Department, Anchorage Fire Department and the Emergency Operations Center shall be notified.
- (5) Quantities of explosives shall be determined by the fire code at AMC title 23.
- (6) Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.
- (7) Rock fall mitigation methods may be required. When blasting is done in close proximity to a structure, railway, highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.
- (8) Property owners within 1,000 feet of the site shall be notified at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.
- (9) All areas subject to blasting operations shall be fenced in a manner to secure the site and to prevent unauthorized access to the site.
- (10) Notice of blasting operations shall be posted at all entrances to the site and on security fencing in areas subject to blasting operations. Posting shall occur at least 24 hours in advance of blasting.
- (11) When blasting is being conducted in the vicinity of utilities (gas, water, electric, fire alarm, or telephone), the blaster shall notify the appropriate representatives of the agencies at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.
- (12) Before a blast is fired, the individual in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover and a loud warning signal has been sounded.
- (13) The operator of the site shall be responsible for all damages to persons or property which arise from, or are caused by the blasting operations.

(D) Required Submittals

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27. Page 75, Section 21.05.060D.1.a., lines 40-42

“An establishment primarily engaged in the bulk storage and/or distribution of hazardous materials, including liquefied fuel such as petroleum gas, for wholesale sale. “Hazardous materials” is defined at AMC 16.110.020.”

28. Pages 80-81, Section 21.05.060C.5.b.i., lines 40-43 and 1-3

“(A) A storage yard or impound yard shall not be located within 300 feet of any academic school, hospital, or government[AL] administration and civic building [FACILITY (EXCEPT GOVERNMENTAL SERVICE), OR ANY OTHER PLACE OF PUBLIC ASSEMBLY].

(B) A junkyard shall not be located within 500 feet of any academic school, hospital, government[AL] administration and civic building [FACILITY (EXCEPT GOVERNMENTAL SERVICE)], or residential subdivision[, OR PLACE OF PUBLIC ASSEMBLY].”

29. Page 81, Section 21.05.060D.5.b.iv.(B), lines 17-18

“[CONTAINERIZED STORAGE UNITS MAY BE UTILIZED FOR STORAGE, PROVIDED THEY ARE LIMITED TO ONE UNIT IN HEIGHT (NO STACKING).]”

30. Page 83, Section 21.05.060E.3.b.ii., Table 21.05-3

TABLE 21.05-3: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES				
Rated Capacity (lbs./hour)	Distance from Nearest Emission Source (feet [METERS])			
	<u>1315</u> [400]	<u>2300</u> [700]	<u>3280</u> [1,000]	<u>3940</u> [1,200]
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X
Facilities with unequal capacity: the largest capacity shall determine the minimum distance.				
Facilities with a rated capacity greater than 2,000 pounds per hour shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and shall meet the standards of subsection iv.(A).(2). below.				

Throughout section E.3.b., change metric distances to feet.

31. Page 89, Section 21.05.060E.7., line 13

Create new “7.” (and renumber remaining sections) as follows:

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“7. Recycling Drop-Off

a. Definition

A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.

b. Use-Specific Standards

- i. No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.
- ii. Containers shall be screened in accordance with the standards of subsection 21.07.080H.2.
- iii. No collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 7:00 a.m.
- iv. If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 7:00 a.m.”

Note: If this use is approved, the use shall be added to Table 21.05-2, and allowed in the following zoning districts: B-1A, B-3, NMU, CMU, RMU, I-1, I-2, PLI

32. Page 89, Section 21.05.060E.7.b.ii., lines 24-27

“(A) Minimum Lot Size

The minimum lot size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission.”

(B) Maximum Height of [STRUCTURES] Snow Piles

The maximum height of snow piles shall be 35 feet.”

33. Page 90, Section 21.05.060E.8., lines 23-36

“8. Solid Waste and/or Recycling Transfer Facility

a. Definition

An establishment for the processing, transfer, and/or disposal of hazardous or non-hazardous solid waste and/or materials for recycling.

...

ii. Minimum Lot Size and Width

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a solid waste and/or recycling transfer facility shall be two acres[,] and t[T] minimum lot width shall be 150 feet, unless otherwise established by the planning and zoning commission.”

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34. Page 92, Section 21.05.070B.3.b.ii., lines 7-9

“Two sheds or greenhouses, each 150 square feet or less, a maximum of 12 feet in height, and not attached to a foundation, may be erected in a required side or rear setback; and”

35. Pages 102-103, Sections 21.05.070D.5. and D.8., lines 22-29 and 22-29

“[5. **COMPUTER-AIDED LEARNING CENTER**

A. **DEFINITION**

A FACILITY THAT PROVIDES ACCESS TO PERSONAL COMPUTER EQUIPMENT FOR USE IN SELF-INSTRUCTION. THE USE IS ACCESSORY TO HOUSING FACILITIES RUN BY PUBLIC OR NON-PROFIT AGENCIES.

B. **USE-SPECIFIC STANDARD**

COMPUTER-AIDED LEARNING CENTERS SHALL COMPLY WITH THE USE-SPECIFIC STANDARDS SET FORTH BELOW FOR “FAMILY SELF-SUFFICIENCY SERVICE.”]

...

8. **Family Self-Sufficiency Service**

a. **Definition**

A governmentally operated or sponsored social service agency that provides aide to economically disadvantaged families in finding training, employment, and housing, and/or access to personal computer equipment for use in self-instruction. The use is accessory to housing facilities run by public or non-profit agencies.

b. **Use-Specific Standards [(ALSO APPLIES TO “COMPUTER-AIDED LEARNING CENTER”)]**

i. **General Standards**

The following general standards apply to these uses in all districts:

(A) **Building**

The structure used to house the facility shall maintain at least twenty residential units and devote at least 85 percent of the building's maximum gross floor area to residential use.

(B) **Ownership**

The operating agency shall have ownership of the structure. No other entity may rent, lease, buy, or otherwise obtain space in the building for the purposes of operating facilities regulated under this subsection.

(C) **Staff**

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During the operation hours, there shall be at least one instructor/monitor on-site and responsible to the operating agency.

(D) *Clients*

Facility users are not required to be residents of the building housing the facility. The facility users shall be restricted to the tenants of the operating agency or beneficiaries of assisted housing from the operating agency.

[ii. *DISTRICT-SPECIFIC STANDARDS*

THE FOLLOWING SPECIFIC STANDARDS APPLY TO THE REFERENCED DISTRICTS:

- (A) IN THE R-3, R-4, R-4A, AND NMU DISTRICTS, COMPUTER-AIDED LEARNING CENTERS MAY BE CONDITIONALLY ALLOWED IF THEY HAVE A MAXIMUM GROSS FLOOR AREA OF 1,000 SQUARE FEET.
- (B) IN THE R-3, R-4, R-4A, AND NMU DISTRICTS, FAMILY SELF-SUFFICIENCY SERVICE FACILITIES MAY BE CONDITIONALLY ALLOWED IF THEY HAVE A MAXIMUM GROSS FLOOR AREA OF 1,500 SQUARE FEET.”]

Note: Associated amendments needed in Table 21.05-4 and Table 21.05-5.

36. Pages 108, Section 21.05.070D.14.b., lines 20-21

“[i. ANIMALS, OTHER THAN DOGS, SHALL NOT BE KEPT OUTDOORS IN MOBILE HOME PARKS.]”

37. Pages 112 and 114, Sections 21.05.080B.2. and 21.05.080D.4., lines 23-27 and 20

“Except as specified below, any use allowed in a district, pursuant to tables 21.05-1 and 21.05-2, is allowed on a temporary basis in that district. Such temporary uses shall comply with the requirements of subsection D. below. Any such temporary use that is established for more than the allowed time limit as determined in subsection 21.05.080D.4. [90 DAYS WITHIN ONE CALENDAR YEAR] shall be considered a permanent use and shall make all improvements required by this title.

...

4. Unless otherwise stated in this title, [THE] temporary uses in residential districts shall last no longer than 90 days. Temporary uses in non-residential districts shall last no longer than 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.”