

Municipality of Anchorage

MEMORANDUM

DATE: December 19, 2007

TO: Planning and Zoning Commission

FROM: Planning Department, Physical Planning Division Staff

SUBJECT: Case No. 2007-152 - Issue Response for **Chapter 21.06** of Title 21 Rewrite

Chapter 21.06: Dimensional Standards and Measurements

1. **Issue:** 21.06.020, *Dimensional Standards Tables*

It would help to emphasize the second to last sentence “In particular, some uses have use-specific standards in Chapter 21.05 that impose stricter requirements than set forth in these tables.” This could be broken out as a final paragraph on this page. Also, it would help in Chapter 5 to indicate where a requirement exceeds the standards in Chapter 6.

Staff Response: Staff has no objection to moving two sentences (“These general standards may be further limited or modified by other applicable sections of this title. In particular, some uses have use-specific standards in chapter 21.05 that impose stricter requirements than set forth in these tables.”) to a new paragraph.

Staff Recommendation: Page 2, lines 23-29, make two sentences quoted above into a section B., and label remainder of paragraph as section A.

2. **Issue:** Table 21.06-1: *Table of Dimensional Standards—Residential Districts*

The intent of R-6 is nullified by reducing the setbacks in 21.06. Keep the original setbacks in order to fulfill the intent of low density residential areas. Include language regarding the % of natural vegetation that should be left undisturbed in order to maintain a ‘desired’ feature of large lots--suggest a minimum of 70-80% retention.

R-6 Low density (1 acre) – Reinstate the original front and side yard setbacks 50ft/25ft. The set backs of this zone have been cut in half. (25ft/15ft) This significantly changes the R-6 zone. One of the most remarkable natural features of R-6 is the presence of current setbacks and the vegetation left in them. These setbacks preserve the integrity of drainage an issue that has been ignored and help mitigate the impact of non-residential uses in the zone. To halve these setbacks makes “General Purpose/Intent language (21.04.020) with respect to this zoning a lie. The setbacks and lot size make the R6 different and without the setbacks and ANY requirement for retaining vegetation, a distinguishing character of the present zone, is destroyed. If there is some reason that these are to be changed, I certainly can’t think of it. Since there are so many nonresidential uses being written in to this zoning area it will reduce the value of private residential property. While conditional use and site plans are used as tools to mitigate impacts more concrete protections need to be in place. Reinstate the 50ft front/rear yard and 25ft side yard setbacks and require parking areas to be set back to this degree. Folks need to be able to rely on the zoning to protect the reasons they moved here.

The minimum setbacks have been reduced and this erodes the purpose of large lots for buffering and to retain native vegetation, especially when non-residential uses occur.

Return to the prior setbacks of 50, 25, 25 ft. And return to the prior % of max coverage which was 20% (for R6-7). Without these changes, the purpose statements in 21.04.020 addressing the desired features of larger lots will be invalid and the goal of 2020 in regards to larger lots in SE Anchorage will not be met.

Return to existing setbacks on lots in the R6, R&, R8, and R9 zones. Several members of the public have spoken in support of returning to greater setbacks on lots in the large-lot residential districts. Could staff address these concerns:

- Choice of neighborhood character. Policies in the 2020 Comp Plan include the goal (p 37) of ...”attractive neighborhoods that offer a choice of urban, suburban, and rural lifestyles” and Policy 13 that “rural residential subdivisions shall be designed to maintain the rural character of the area.” The proposed setbacks of only 25 feet for front yards and 15 for side yards in R6 are not distinguishable by casual observance from the 20 foot front setback for R1, R2, R3 and R4, for example.
- Front setback radically affects the character of the street. Proposed front setbacks of 25 feet in the R6, R7, R8 and R9 will allow a street lined with parking aprons (approximately 20-25 feet) fronting on the street. This is probably not aesthetic by rural standards.
- The reduction in setbacks from current setbacks in the large lot zones will result in tighter constraints for septic and well placement. Has this been examined? Could it render some lots unbuildable?
- The reduction in setbacks from current setbacks may be intended to allow flexibility to build on difficult terrain, but it may also create slope failures on neighbors’ lots if cut-and-fill is pushed closer to lot lines. There is a current case of builder inducing slope failure on an adjoining lot next to Potter Creek.

If large lot setbacks are cut by 40 to 50 percent, how will there be assurance of the privacy that is often a reason for large lot purchase? Is there a need to restrict cut and fill gradients adjoining the lot lines if tighter setbacks are enacted? Do other jurisdictions require any vegetation along semi-rural residential property boundaries?

Reinstate the prior setbacks for R6-50, 25, 25 ft, as well as the maximum coverage of 20% because this would be validate the Purpose/intent for this district.

Dimensional setback requirements for lots of approximately 1 acre or more.

- R-6 - for all uses: front – 50’; side – 25’; rear – 50’.
- R-8 – for all uses: front – 50’; side – 25’; rear – 50’.
- R-9 – for all uses: front – 50’; side – 25’; rear – 50’.
- R-10 – for all uses: front – 50’; side – 25’; rear – 50’.

Staff Response: Setbacks and lot coverage in the current code for the large lot districts are as follows:

R-6: front-50', side-25', rear-50', lot coverage-30%, (min. area 1 ¼ acres for a sf dwelling)

R-8: front-25', side-15', rear-25', lot coverage-5% (min. area 5 acres for a sf dwelling)

R-9: front-25', side-15', rear-25', lot coverage-5% (min. area 2.5 acres for a sf dwelling)

R-10: front-0', side-25' or 50', depending on slope, rear-0', lot coverage-3% to 25% depending on slope (min. area 0.5 to 7.5 acres depending on slope)

There is currently no requirement to retain vegetation, even in the setbacks, although the R-10 does have an impervious surface limitation, meaning that impervious surfaces such as buildings and paving are limited.

As shown here, the smallest of the large lot districts, the R-6, has the largest setbacks, almost double the requirement of districts that are much larger. On the one hand, this is beneficial in maintaining a large lot, or “rural”, feel to the neighborhood as it guarantees structures (usually houses) will be at least 50 feet apart. On the other hand, this restricts the amount of the lot that can be built on, limiting the owner’s flexibility. On a “typical” R-6 lot that is 150 feet wide and 300 feet deep (45,000 sf), the existing setbacks take up 25,000 sf, which is more than half of the lot area. The proposed decrease to the setbacks was to make them consistent with other large lot districts and allow more flexibility in structure placement on the lot. Due to the comments received that are not in support, the department proposes to return to existing setbacks in the R-6 district.

Staff Recommendation: Change R-6 setbacks to 50' in the front, 25' in the side, and 50' in the rear.

3. **Issue:** Table 21.06-1: *Table of Dimensional Standards—Residential Districts*

Again R-6 is being severely compromised. Basically, 2 acres is required for a 2 family dwelling but all other uses require only 1 acre, including elementary schools of 100 students or more. This is very contradictory. A minimum of 2 acres should be required for a high density non residential use in an area where it takes 1 acre for a modest home. Impervious surface should be calculated into lot coverage to prevent drainage conflicts and provide for incidental snow storage. Again, reinstate the 50/25 setbacks for the R-6 zone with parking lots requiring the same set back. If school use is allowed that close to residential use in R-6 the natural character of R-6 is ruined. Playgrounds, recreational opportunities and out door facilities must be provided for children at any school. An acre of ground is not enough to protect adjacent properties and provide necessary room for 100 children. Reduce the number to 30 students on an acre of ground and require outdoor recreation areas (not parking lots) for the health of the children. L2 landscaping is inadequate separation for adjacent properties. A minimum of 25 vegetated feet and sound barrier fencing should be required for security and separation from existing residences.

Staff Response: Putting aside the setback issue addressed in Issue #2, there are no changes to the R-6 that make it more “compromised” than it is under the current code. In the current code, schools are permitted uses in the R-6, and there are no Title 21 standards for schools of any size. Public schools comply with the design standards of the Anchorage School District,

which strongly suggest 15 acres for an elementary school (and larger sites for middle and high schools). The proposed standards for schools (subsection 21.05.040E.3.b.) are intended to address large private schools that can have major impacts on surrounding residential neighborhoods. Public schools also have standards for the type of recreational facilities they provide. The owners/operators of a private school may choose what recreational facilities they wish to provide.

The department does not recommend placing impervious surface limitations for most residential districts at this time. Staff discussed proposing maximum impervious surface limits, but determined that such a proposal was likely to be too big of a step for the community. Drainage issues are addressed in other sections of code.

Assuming the R-6 setbacks are returned to current code sizes, and in combination with the L2 visual enhancement landscaping, a neighboring property owner has the opportunity for 35 feet of vegetated buffer between their structure and a neighboring school (any buildings of which would be at least 50 feet from the residential structure).

Staff Recommendation: No changes recommended.

4. **Issue:** Table 21.06-1: R-3 Minimum setbacks

It seems inconsistent to allow a minimum front setback for townhouses of 10' whereas other uses in the district require 20', and townhouses in the R-2m district require 20'. A 10 foot front setback just for townhouses seems to conflict with the objective to ensure a cohesive residential neighborhood character through consistent 20 foot setbacks along the street. If all other R uses in R-3 district require 20', the same as R-2M, why the 10' setback for just townhouses only in the R-3?

Staff Response: Although a 10 foot setback might seem advantageous for site plan flexibility, there is actually little such gain for a townhouse on an individual lot. Anchorage lots are long enough to accommodate a 20 foot setback and a townhouse (in fact longer than in most other cities) with plenty of lot length to spare.

Staff Recommendation: Page 5, Table 21-06-1, change the minimum front setback for townhouse dwellings in the R-3 district from 10 feet to 20 feet.

5. **Issue:** Tables 21.06-1 and 21.06-2

It would be useful to determine a maximum amount of impervious surface on a lot. While this ties in with limitations on lot coverage, parking and landscaping, setting a limit can encourage the use of semi-pervious surfaces for parking, driveways and walkways. If limits are set, they should go in this table.

Staff Response: Some communities impose a maximum impervious surface limitation on development. In Anchorage, there is such a limit only in the R-10 district, which is intended for steeply sloped residential areas where the ground is likely to be highly erodible. Staff briefly discussed placing maximum impervious surface limits in other zoning districts, but determined that such a proposal was likely to be too big of a step for the community.

Staff Recommendation: No changes recommended.

6. **Issue:** Table 21.06-4: *Table of Dimensional Standards –Other Districts*

The table completely ignores minimum lot dimensions WITH SEWERS. See current requirements in 21.40-41 point F.

Staff Response: The existing code's R-11 dimensions for lots with sewers is a holdover from when Girdwood was in the R-11 district. None of the existing Turnagain Arm communities (Rainbow, Indian, Bird, or Portage) have sewers, and staff did not anticipate any sewers built in these communities in the foreseeable future. However, a large property owner in one of the communities mentioned the possibility of a small treatment system for a limited area. Staff has no objection to allowing smaller lot sizes for lots that are sewer.

Staff Recommendation: In table 21.06-4, retain the existing R-11 lot size and width for sewer lots, which are 10,400 sf and 70 foot width for residential uses, and 8,400 sf and 50 foot width for all other uses.

Also, the minimum lots area for unsewered residential lots in Bird Creek, Indian Valley, and Portage should be 108,150 sf (rather than 50,0000 sf) to be consistent with current code. In error, the proposed code carries forward the Girdwood unsewered lot size.

7. **Issue:** 21.06-4: *Table of Dimensional Standards—Other Districts*

For the AD district, delete all dimensional standards in table and refer to 21.04.050, which defers to ANC's FAA-approved Master Plan. ANC comprises some 4,600 acres under single ownership by the State of Alaska, but is composed of a great many individual platted parcels, which are, in turn, overlain with ANC's Airport Information Maps (AIMS) describing the ANC's lot and block plan of lease lot configuration. ANC exercises exclusive jurisdiction over lease lot configuration within ANC's boundaries. To try to apply dimensional standards and measures under Table 21.06-04 on ANC, with its multiplicity of platted and AIMS lots, would be extremely confusing and serve no beneficial purpose. Similarly, there appears to be no valid basis for imposing a height limitation on the AD district that is more restrictive than the I-2, industrial district. The AD will be affected by height limitations imposed by the FAA, and it is unnecessary to link a height limitation to an adjacent district, particularly in light of the lack of a similar linking for the I-2 district.

Staff Response: Staff does not agree that ANC exercises exclusive jurisdiction over lease lot configuration within ANC boundaries. The proposed minimum lot dimensions for the Airport District are more lenient than current zoning's dimensional requirements applicable to ANC, and are among the most lenient within the Municipality.

As for height transitions, the AD, I-2, PLI, and PR would all be subject to a height transition requirement which is linked to the presence of any adjacent residential district, in section 21.06.030D.7. Staff agrees that it would be more consistent to address the AD and PLI in the same way as the I-2 and other non-residential districts, by deleting the unique height transition specific to the AD and PLI districts, leaving section 21.06.030D.7. to regulate height in those districts.

Staff Recommendation: Page 11, change the maximum heights for AD, PLI, and PR districts to read, “No maximum, except that the height transition provisions of subsection 21.06.030D.7. shall apply.”

8. **Issue:** 21.06.030A., *Setbacks*

The negative impact of noise and its related disturbance can be mitigated by use of setbacks and building height / placement. Setbacks create a noise buffer, and building location and height can affect the distance that noise will project. Regulating the nature of land use and development can significantly reduce the impact of noise in and around residential areas where the majority of our complaints and conflict arise. Please refer to AMC 15.70.080.B for noise code requirements for residential, commercial and industrial areas.

Staff Response: Section 15.70.080 sets standards for noise emissions at the property line. Some industrial uses that are predictably noisy have setbacks in their use-specific standards that are larger than the setbacks of the underlying district. Neighborhood Protection Standards in chapter 21.07 give discretionary power to the decision maker to add buffers when a noise conflict is anticipated between uses. The rewrite does not attempt to correct existing zoning patterns that have residential districts bordering industrial districts.

Staff Recommendation: No changes recommended.

9. **Issue:** 21.06.030A.1.b., *Required Setbacks*

Should be revised by deleting “used or occupied”.

Staff Response: Staff does not agree with this suggestion. The setback requirements of the title apply in all situations and a lot or structure should not be “used or occupied” unless it complies with the requirements (which include the nonconformities section, should that situation apply).

Staff Recommendation: No changes recommended.

10. **Issue:** 21.06.030A.1.d., *Required Setbacks*

Referring to a "setback required by this title" not being included as part of a "setback required by this title" is unclear.

Staff Response: The comment takes parts of the sentence out of context. The full sentence needs to be considered, which states that a required setback can not be considered a required setback for a different lot, building, or structure.

Staff Recommendation: No changes recommended.

11. **Issue:** 21.06.030A.2.c., *Roofs Over Porches and Other Exterior Approaches*

Unroofed landings are permitted up to 5’ in front setbacks only. This seems restrictive when it comes to fire escapes.

Staff Response: Section 2.b. states that unroofed landings may project into a front or rear setback by any amount as long as the floor surface portion of the landing is less than 30 inches above grade. Section 2.c. states that such a landing may be covered by a roof that projects up to five feet into the front setback under certain circumstances. The intent of section 2.c. is to allow an entrance feature that highlights and emphasizes a front door, to project into a front setback when the building is built right up against the front setback line. Fire escapes are usually higher than 30 inches above grade and thus may not project into a setback—the design and placement of a building with a fire escape will need to accommodate that.

Staff Recommendation: No changes recommended.

12. **Issue:** 21.06.030A.5.a.iv., *Measurement and Applicability*

Setback illustrations misidentify additions as alterations. This section needs to be consistent with Title 23.

Staff Response: Staff has no objection to changing the title of the illustrations on page 15.

Staff Recommendation: In the two illustrations on page 15, change “Alteration” to “Addition”.

13. **Issue:** 21.06.030A.5.c.i., *Exceptions to Maximum Setback*

The exception is too open ended to ensure the intent of the maximum setback will be met. It should provide guidance as to how much the maximum setback may be exceeded, and as to what landscaping and pedestrian amenities are required. For example, a building behind a 100-foot wide lawn does not necessarily meet the intent of setting buildings close to the street or providing stronger pedestrian connections.

Staff Response: A specific limit to how much a building is allowed to exceed a maximum setback could clarify the standards and ensure a walkable distance to and from the public sidewalk and/or destinations on adjacent properties. Clearer guidelines for what are acceptable landscaping and pedestrian improvements in the additional space would also provide greater predictability. Staff recommends referencing the standards for open space and pedestrian amenities established elsewhere in the code.

Staff Recommendation: Page 16, lines 12-14, revise as follows:

“The maximum front setback may be exceeded by up to 20 additional feet if the additional area between the building and the [FRONT] property line is used to provide common open space that conforms to the standards of 21.07.030, contains site enhancement landscaping, and/or contains pedestrian amenities as described in 21.07.060F. The additional area shall not be developed for motor vehicle parking or driveways, loading or refuse collection or ground mounted utilities [LANDSCAPED OR HARDSCAPED FOR USE BY PEDESTRIANS].”

14. **Issue:** 21.06.030A.5.d., *Exemptions*

Does gfa = gross floor area?

Staff Response: Yes.

Staff Recommendation: Change line 20 on page 16 to spell out “gross floor area”.

15. **Issue:** 21.06.030A.5.d., *Exemptions*

This new section does not appear to provide any exemptions for school facilities. Due to security and safety, ASD schools - whether new or added to - would never comply. The close proximity of classrooms, especially, to the street is a violation of the CPTED principles for school design and the need for a secure perimeter and buffer. Add public schools to the exemptions.

Staff Response: Maximum setbacks are only applied in the R-4A district and in the NMU, CMU, and RMU districts. The site of a “regular” school would be zoned PLI to be consistent throughout the Municipality. Any sort of “urban” or “special” school provided in a commercial setting in one of the mixed-use districts should comply with the design standards of the districts in order to achieve the goals of the districts.

Staff Recommendation: No changes recommended.

16. **Issue:** 21.06.030A.7., *Setbacks from Projected Rights-of-Way*

Although ANC has not determined the impact of this proposed section as to all Airport roads, because setbacks on the ANC are left to the Airport Master Plan and because the ANC is responsible for the roads within its boundary, the ANC should be exempted from this section.

Staff Response: The purpose of this section is to allow for future road expansions, should they become necessary, and it protects the government from unnecessary costs relating to structure demolition and the like. This provision exists in current code and is beneficial for both the Municipality and the State.

Staff Recommendation: No changes recommended.

17. **Issue:** 21.06.030A.7., *Setbacks from Projected Rights-of-Way*

Restriction of any development activity within the required setback from a projected right of way will place undue restriction on site development. This restricting is not limited to structures but includes site grading.

Staff Response: This section is largely carried forward from current code and has not caused any problems that we know of. There is a long list of permitted uses within the setback (page 18, lines 2-18) but staff does not object to adding clarifying language.

Staff Recommendation: Page 18, after line 13, add “Approved grading activities:”.

18. **Issue:** 21.06.030A.7.a., *Minimum Setback*

The word “existing” may be a problem in the phrase “within 25 feet from the existing or projected centerline of a dedicated neighborhood street”. Some neighborhood streets are not built in the center of the dedicated ROW or may even cross out of the ROW (e.g. Lower Canyon Road off Upper DeArmoun). Clarify whether existing means as currently built, or as currently platted.

Staff Response: Staff agrees that this can be difficult to interpret and suggest a clarifying change.

Staff Recommendation: Page 17, lines 20-21, amend to read, “...within 25 feet from the existing or projected centerline of a platted right-of-way for a [DEDICATED] local street, road reservation, or public use easement...”

19. **Issue:** 21.06.030C.3.d., *FAR Bonus Agreement*

Remove “grant to” and replace with “provide”. The sentence would read “owner shall provide the municipality a written agreement ensuring”.

Staff Response: Staff agrees that “grant to” is awkward wording, and suggests (below) language that is consistent with other sections of code that address agreements.

Staff Recommendation: Amend to read as follows: “Where a special feature is to be provided in order to receive an FAR bonus, the owner shall enter into [GRANT TO THE MUNICIPALITY] a written agreement with the municipality ensuring the continued provision of the special feature for as long as the development uses the FAR bonus. [, WHICH SHALL BE RECORDED] The applicant shall record the agreement at the district recorder’s office as a covenant running with the land, binding upon the owner and all successors and assigns, and enforceable by the municipality[.]. Recordation of the agreement shall take place and an attested copy submitted to the department prior to the issuance of any building or land use permit for the development.”

20. **Issue:** 21.06.030D., *Height*

Technology for electric generating windmills has progressed so they are cost effective. There does not seem to be an accommodation for them in this code. There may be advantages to allowing them on top of buildings.

Staff Response: The Department recently received two requests for permits for wind power generators and is working on an ordinance to address the issue. If the ordinance is passed before the Title 21 rewrite, it will be incorporated into the rewrite.

Staff Recommendation: No changes recommended at this time.

21. **Issue:** 21.06.030D.2.b., *Rules for Measuring Height*

Fence height, adjacent to rights of way, is measured from the crown of the street or top-back of curb, whichever is greater. This will result in a difference of interpretation between Title 21 and Title 24.

Staff Response: Title 24 contains nothing about measuring fence height. The “clear vision areas” of the current Title 21 (21.45.020) measure potential obstructions in the clear vision area from the centerline of the street or the nearest curb. The clear vision area concept and regulations are being moved to the traffic code in Title 9. Since the height restrictions of the two sections have different purposes, it follows that the point from which height is measured may be different. Any object within the clear vision area will have to comply with both sections of code and the more restrictive section will apply.

Staff Recommendation: No changes recommended.

22. **Issue:** 21.06.030D.3.b., *Grade Plane*

Terminology from the IBC and the illustrations for Chapter 6 refer to “reference datum”. Here the term ‘an elevation’ is used, suggest that terminology remain the same for clarification.

Staff Response: The method and terminology for how to measure building height have been adjusted in the Title 21 Rewrite to be more consistent with the method of Title 23, the International Building Code (IBC). Both codes establish a reference plane representing the ground level, or elevation above sea level, around the building, for purposes of measuring building height. The term “grade plane” as used in subsection 21.06.030D.3 is consistent with use of the term in the IBC, in that it is used for the same purpose of establishing building height. The IBC does not use the term “reference datum” for determining building height. Concerning the use of the term “reference datum” in the illustration [on page 27 of chapter 6], staff acknowledges this is inconsistent and confusing. It should be changed to “grade plane” for clarification and consistency.

The word “elevation” in the body of the text of 21.06.030D.3.a and .b is not intended to mean the same thing as “grade plane”. It simply refers to elevation above sea level, as defined in a standard dictionary. The elevation above sea level is used to help determine the grade plane.

Staff Recommendation: The language should be consistent throughout the text and the illustrations, and the illustrations should be referenced in the text.

Page 2, end of page, add text to read, “Lot width and depth shall be measured as shown in the Lot Width and Lot Depth illustrations at the end of the chapter.”

Page 21, line 28, add a new last sentence which reads, “Refer to the Case 1 building height illustration at the end of the chapter.”

Page 21, line 31, add a new last sentence which reads, “Refer to the Case 2 building height illustration at the end of the chapter.”

Page 27, illustration of Building Height with Case 1 and Case 2, in both illustrations, change “reference datum” to “grade plane”.

23. **Issue:** 21.06.030D.5., *Height Exceptions*

This limits the square footage of a roof covered with photovoltaic panels, skylights and solar reflectors. These should not cause a visual problem and the community would benefit from maximum coverage.

Staff Response: This section allows for appurtenances to exceed the height limit of the zoning district with certain limitations. Photovoltaic panels, skylights, and solar reflectors may cover the entire roof if they don’t exceed the height limit.

Staff Recommendation: No changes recommended.

24. **Issue:** 21.06.030D.5.d., *Height Exceptions* and D.7., *Height Transitions for Neighborhood Compatibility*

There is a contradiction between the intent of 5.d. and 7 of 21.06.030D. Section 7 is public-spirited by requiring that heights be appropriate for lower residential districts. It is not public spirited to have all the height exceptions allowed by 5.d. in a residential or mixed use district, particularly 25 feet extra for penthouse elevators and 50 extra feet for flagpoles, spires, etc. For R1, R2, R2A and the large lot residential districts, drop 5.d.ii. through iv.; so that only 15 feet above maximum height is allowed in residential districts.

Staff Response: There is a significant difference between the impacts of a full story on a neighboring building, and an appurtenance rising from the roof of a neighboring building. A full story has a much more significant impact than a flag pole, an antenna, or even an elevator penthouse. Staff considers the limitations on appurtenances to provide sufficient protection to neighboring uses.

In comparison to the proposed limitations, the current code does not provide any limit to the height of appurtenances. Nor does the current code restrict how much of the roof area the appurtenances may cumulatively cover. The proposed rewrite brings Anchorage’s appurtenance height limits closer to modern zoning practices, building codes, and building construction.

Staff Recommendation: No changes recommended.

25. **Issue:** 21.06.030D.5.d.ii., *Height Exceptions*

Regarding religious appurtenances says they “may exceed up to 50 feet.” Is this consistent with the 40’ limit in chapter 5 p.38 line 26?

Staff Response: The language in chapter 21.05 regarding maximum height of religious assemblies reads, “...in districts where the maximum height is less than 40 feet, the maximum height for a religious assembly or a portion thereof may increase to 40 feet, so long as...”, is intended to apply to the height of the structure, as measured in accordance with the illustration at the back of chapter 21.06.

The intent of the appurtenances section in chapter 21.06 with regards to religious assemblies is to allow things like steeples in exceed the maximum height of the rest of the building. There isn't an inconsistency of intent, but the phrase in chapter 21.05, "or a portion thereof" does create some confusion.

Staff proposes an amendment in chapter 21.05 to delete the confusing phrase, and also an amendment to chapter 21.06 to ensure proportionality of scale of appurtenances in residential districts.

Staff Recommendation: Amend section 21.05.040C.7.b.iii. (chapter 5, page 38) as follows: "...the maximum height for a religious assembly [OR A PORTION THEREOF] may increase to 40 feet...".

Page 22, lines 16-17, amend section 21.06.030D.5.d.ii. as follows: "Flagpoles and spires and similar religious appurtenances may exceed up to 30 feet in residential districts and up to 50 feet in nonresidential districts;"

26. **Issue:** 21.06.030D.7.c., *Standard*

Exempt AD districts from this height restriction.

Staff Response: If an appropriate buffer is maintained between airport development and abutting residential areas, this standard will have no effect on the airport development.

Staff Recommendation: No changes recommended.

27. **Issue:** 21.06.030D.7.c., *Standard*

Clarify the relationship between the maximum height requirement in this section and the maximum stated in tables 21.06-2, 3 & 4.

Staff Response: The height limits stated in the tables are the maximum heights allowed in the district, except when modified by other provisions of this title such as this section on height transitions.

To clarify, staff suggest adding a new section at the beginning of 21.06.030D. to explain how the provisions of the section relate to the maximum heights in the table.

Staff Recommendation: Page 21, line 12, add a new subsection 1 which reads, "The maximum allowable height for buildings and structures in each district shall be as provided in section 21.06.020, *Dimensional Standards Tables*, except where specifically modified by this subsection D. and/or other provisions of this title."

Technical Edits and Clarifications

1. Table 21.06-1, correct the residential zoning district names to be consistent with the names provided in Chapter 4.
2. Page 5, Table 21.06-1, *R-4 Maximum Height of Structures*, revise as follows to clarify that a height increase above 45 feet is available:

R-4: Multifamily Residential District 2 [HIGH INTENSITY MULTI-FAMILY RESIDENTIAL DISTRICT]	
Use	Maximum height of structures
Dwelling, multifamily	45 [1]

Add a footnote [1] at the end of the table that reads, “See subsection 21.04.020I.2.d. for information regarding possible height increases.”

3. Page 5, Table 21.06-1, *R-4A Maximum Height of Structures*, revise as follows to clarify that a height increase above 45 feet is available:

R-4A: Multifamily Residential Mixed-use District 2 [HIGH INTENSITY MULTI-FAMILY RESIDENTIAL DISTRICT]	
Use	Maximum height of structures
Dwelling, multifamily	45 [2]

Add a footnote [2] at the end of the table that reads, “See subsection 21.04.020J.2.d. for information regarding possible height increases.”

4. Page 7, Table 21.06-1, R-10 dimensional standards, correct cross reference in the area/width/lot coverage cell to read “21.04.020P.2.”
5. Page 10, Table 21.06-3, *Front Setback – Mixed-use Districts*: Change “front building elevation” to read “street-facing building elevation” wherever it appears in the table (three places), to be consistent with the language used elsewhere in the code.
6. Page 10, Table 21.06-3, Mixed-Use Districts
 All three mixed-use districts (NMU, CMU, and RMU) allow townhouses, but the minimum lot areas and widths do not accommodate townhouse development. This oversight should be corrected by adding a row under each of the districts that allows townhouses with the same dimensional standards as in the R-4A: Minimum lot area of 3,000 square feet; Minimum lot width of 20 feet (30 on corner lots); Front setback is a minimum of 10 feet and a maximum of 20 feet; Side setback is “N/A on common lot line;

otherwise 5 feet”; Rear setback is 15 feet if adjacent to a residential district (except the R-4 or R-4A, otherwise 10 feet; Height is 35 feet.

7. Page 13, line 37, 21.06.030A.5, *Maximum Setbacks*: Add a new second-to-last sentence as follows to relate the intent of maximum setbacks to intent statements that appear in Chapter 4 for mixed-use districts: “This improves connectivity and makes walking more convenient.”
8. Page 14, line 2, 21.06.030A.5.a.i., *Maximum Setbacks*, revise as follows to be consistent with language used elsewhere through chapters 4, 5 and 6: “The maximum setback applies to the ground-floor [LEVEL], street-facing elevation of the building, as depicted below.”
9. Page 14, line 11, 21.06.030A.5.a.iii., *Maximum Setbacks*, revise as follows to be consistent with language used elsewhere through chapters 4, 5 and 6: “...the maximum setback applies to the combined ground-floor [LEVEL], street-facing elevations of all the building, as depicted below.”
10. Page 15, after line 3, 21.06.030A.5.a.iv. Illustration - *Alteration to Existing Building in Conformance with Maximum Setback*: Revise the captions as follows:
“At least 50% of the combined ground-floor [LEVEL] street-facing elevation of existing building...”

“Maximum allowed setback”
11. Page 15, after line 4, 21.06.030A.5.a.iv., Illustration - *Alteration to Existing Building*, Revise the captions as follows:

“Addition that increases length of street-facing building elevation is required to be...”

“Addition that has no street-facing building elevation is not required to be...”
12. Page 16, line 2, 21.06.030A.5.b.i., *Use of Maximum Setback Area*, revise as follows:
“Motor vehicle [VEHICULAR] parking and circulation is not permitted...”
13. Page 16, line 4, 21.06.030A.5.b.ii., *Use of Maximum Setback Area*, revise as follows:
“The area between the street [FRONT] lot line and the portion of the building...”

14. Page 16, line 20, 21.06.030A.5.d., *Maximum Setback – Exemptions*, change the acronym “gfa” to read “gross floor area”.
15. Page 22, lines 5-6, 21.06.030D.5.b., *Height Exceptions*, revise as follows: “...the appurtenances may cumulatively cover up to one-half of the roof area.”
16. Page 22, line 22, 21.06.030D.6., *Height Adjustments*, revise as follows: “...ground-floor[LEVEL] retail spaces.”
17. Page 23, line 9, 21.06.030D.7.d., *Height Transitions – Exceptions*, revise as follows: “...will have no [NOT] additional impact.”